I

NEW MEMBERS

The following new Members then made the prescribed oath or affirmation of allegiance to the Crown and took their seats :—

Mr. C. Ramalinga Reddi.

Mr. C. Govindan Nayar.

II

QUESTIONS AND ANSWERS.

STARRED QUESTIONS

Excise

Alleged encouragement by Excise officers to bidders at auction sales.

*1507 Q.—Mr. A. B. Shetty: Will the hon. the Minister for Public Health be pleased to state—

(a) whether any District Propaganda Committees have complained to the Government that Excise officers encourage people to make higher bids at auction sales ;

(b) whether the Government have enquired into these allegations ; and

(c) whether the Government have issued any instructions to the officers of the Excise Department to co-operate with the District Propaganda Committees in their work ?

A.—(a) & (b) Yes. A representation to this effect was received from the Chairman, District Propaganda Committee, South Kanara. It was sent to the Commissioner of Excise.

(c) A copy of the instructions [a] issued by the Commissioner of Excise is attached.

Mr. A. B. Shetty :—" With reference to the answer given to clauses (a) and (b) may I know whether any enquiry was made by the Commissioner of Excise ? "

The hon. Mr. S. Muthiah Mudaliyar :—" I am not able to see to which part of the answer the hon. Member refers."

Mr. A. B. Shetty :—" The answer given to clauses (a) and (b) of the question runs thus :—' A representation to this effect was received from the Chairman, District Propaganda Committee, South Kanara. It was sent to the Commissioner of Excise.' May I know whether the Commissioner has made any enquiries about this and taken any action ? "

The hon. Mr. S. Muthiah Mudaliyar :—" The action taken is the issuing of a circular."

Mr. A. B. Shetty :—" May I know whether the presence of pracharakas is being objected to at the place of auction sales ? "

The hon. Mr. S. Muthiah Mudaliyar :—" I am not aware of it.'

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[a] Printed as Appendix I on page 398 infra.

Auction sales of arrack shops.

*1508 Q.—Mr. A. B. SHETTY: Will the hon. the Minister for Public Health be pleased to state—

(a) in which districts, auction sales of arrack shops have recently been held;

(b) whether the rentals have increased in all districts or gone down anywhere; and

(c) what is the percentage of increase or decrease in each of the districts?

A.—(a), (b) & (c) Auction sales of arrack shops for the lease of 1930–31 have been completed in the districts of Madras, Ramnad, Tinnevelly, the Nilgiris and Salem. The results of the sales in these districts are given below :—

Districts.	Rentals (annual). 1930-31.	Rentals (annual). 1929-30.	Percentage of increase or decrease.
	RS.	RS.	PER CENT.
Madras	7,22,400	7,37,760	— 2
Ramnad	1,75,260	1,87,020	— 6
Tinnevelly	2,69,148	2,98,788	— 10
Nilgiris	2,51,400	2,16,660	+ 16
Salem	2,22,924	2,08,344	+ 7

Mr. A. B. SHETTY:—"May I know when the sale of arrack shops is expected to be finished in other districts?"

The hon. Mr. S. MUTHIAH MUDALIYAR:—"The sales are now going on and they will be finished before the end of March."

Regulation of the sale of liquor in clubs.

*1509 Q.—Mr. J. A. SALDANHA: Will the hon. the Minister for Public Health be pleased to state what action Government have taken or contemplate taking to enforce the section in the Abkari Amendment Act of 1929 (passed on my Bill) regarding the regulation of the sale of liquor in clubs?

A.—The Government have called for a report.

Medical

Appointment of the Surgeon-General with the Government of Madras.

*1510 Q.—Dr. B. S. MALLAYYA: Will the hon. the Minister for Public Health be pleased to state—

(a) the names of the officers who held the post of Surgeon-General to the Government of Madras during the last six years;

(b) the period for which each such officer held office;

(c) the average term for which a Surgeon-General held the post during the years prior to the six years mentioned above;

(d) whether it is proposed to appoint a new officer; and

(e) whether the Local Government have any voice in filling up the post of the Surgeon-General?

A.—(*a*) & (*b*) A statement [a] furnishing the information is laid on the table.

(*c*) About two years and four months. (Ten officers held the post between 11th October 1899 and 9th May 1923).

(*d*) Yes.

(*e*) The power of appointment rests with the Governor-General in Council. The Local Government is consulted before the appointment is made.

Rao Bahadur C. Natesa Mudaliyar :—"May I know why the Local Government have not considered any scheme of appointing the local Indian Medical Service officers as Surgeon-General ?"

The hon. Mr. S. Muthiah Mudaliyar :—"Because they are far below in the list."

Rao Bahadur C. Natesa Mudaliyar :—"They may be promoted by selection though not by seniority."

The hon. the President :—"That is no supplemental question."

Public Health

Appointment of propagandists by the South Arcot Temperance Committee

*1511 Q.—Mr. K. Ramachandra Padayachi : Will the hon. the Minister for Public Health be pleased to state—

(*a*) how many propagandists the South Arcot Temperance Committee have appointed for the district ;

(*b*) to what communities they belong ;

(*c*) whether any propagandists have been appointed from the classes addicted to drinking ; and

(*d*) why no propagandist has been appointed from the Padayachi community and the Sembadava, Korava and other labouring classes ?

A.—(*a*) to (*d*) A statement [b] showing the information is laid on the table. The Chairman, District Propaganda Committee, South Arcot, reports that applications for appointments as pracharakas were not received from persons belonging to the Sembadava, Korava and other labouring classes.

Registration

Promotion of clerks as Sub-Registrars in the Registration department.

*1512 Q.—Mr. Basheer Ahmed Sayeed : Will the hon. the Minister for Public Health be pleased to state whether any principles or rules govern the promotion of clerks as lower grade Sub-Registrars in the Registration department, and if so what they are, and whether the same will be laid on the table of the House ?

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[a] Printed as Appendix II on page 399 infra. [b] Printed as Appendix III on pages 399-400 infra.

1st March 1930]

A.—The attention of the hon. Member is invited to the rules published with the following notifications:—

(1) No. 15, Public (Services), dated the 24th September 1929, at pages 1777–1778 of Part I of the *Fort St. George Gazette*, dated the 1st October 1929.

(2) No. 292, Public, dated the 2nd July 1929, at pages 1386–1388 of Part I of the *Fort St. George Gazette*, dated the 23rd July 1929.

Alleged complaints against the Sub-Registrar of Chakapalle.

*1513 *Q.*—Mr. V. Ramjee Rao: Will the hon. the Minister for Public Health be pleased to state—

(*a*) (i) the number of documents received for registration, (ii) the number of documents actually registered by the Sub-Registrar, Chakapalle, Kistna district, daily from the 15th January 1930 up to date and at what hour of the day the documents actually registered were received;

(*b*) whether it is a fact that he returns all the documents received at 11 a.m. in excess of five a day, his maximum number, and if not, whether they will be pleased to call for the information;

(*c*) whether it is a fact that after 11 a.m. the Sub-Registrar does not receive any further documents;

(*d*) whether the Government have received any complaints that the parties who come from distant villages are put to great hardships as a result of the blunt refusal of the Sub-Registrar to receive not more than five documents a day and any document after 11 a.m.; and

(*e*) what action the Government intend taking in the matter?

A.— (*a*) *to* (*c*) The Government have no information, but have called for it.

(*d*) & (*e*) No.

Registered partition deeds in South Kanara.

*1514 *Q.*—Mr. A. B. Shetty: Will the hon. the Minister for Public Health be pleased to lay on the table of the House the information received regarding my question No. 1422 answered on the 31st of January 1930 regarding registered partition deeds in South Kanara?

A.—A statement [a] is laid on the table.

Education

Qualifications, etc., of the Professors of English and Philosophy in the Presidency College.

*1515 *Q.*—Diwan Bahadur P. C. Ethirajulu Nayudu: Will the hon. the Minister for Education and Local Self-Government be pleased to state—

(*a*) what are the qualifications of the present incumbents in the posts of additional Professor of English and Professor of Philosophy in the Presidency College;

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[a] Printed as Appendix IV on page 400 infra.

[1st March 1930

(*b*) their age, their qualifications, teaching experience, the colleges wherein they were employed, the salary they drew prior to the appointment and their present salary, in a tabular form; and

(*c*) whether these gentlemen applied for the posts and if so, on what information such applications were made?

A.—(*a*) & (*b*) A statement[a] is laid on the table.

(*c*) Mr. Ayyappan Pillai applied for the post. He was at that time in the service of the Travancore Government. It is not known on what information he applied. Mr. Narayana Menon, who has been employed as a lecturer in one of the second-grade Government colleges in the Presidency since October 1925, did not apply for the post of Professor of Philosophy in the Presidency College.

Employment of Adi-Dravida teachers in local board schools.

* 1516 *Q.*—Mr. A. B. Shetty: Will the hon. the Minister for Education and Local Self-Government be pleased to state—

(*a*) which are the districts where no Adi-Dravida teachers have so far been employed in taluk board and municipal schools;

(*b*) whether Adi-Dravida trained teachers are available for service in those districts; and

(*c*) what number of Adi-Dravida teachers have undergone training in this province during each of the last six years?

A.—(*a*) In 1928-29 no Adi-Dravida or Adi-Andhra teachers were employed in any of the taluk board or municipal schools not specially intended for pupils of this community in the districts of Vizagapatam, Bellary, Chingleput, Chittoor, South Arcot, Tanjore and South Kanara.

(*b*) Information is not available and is being called for.

(*c*) The following statement shows the number of Adi-Dravida *cum* Adi-Andhra pupils that underwent training in schools for masters and mistresses during the last six years:—

Year.	Boys.	Girls.
1923–24	425	15
1924–25	442	17
1925–26	450	26
1926–27	431	21
1927–28	533	43
1928–29	616	58

Local Boards

Repairs to the Charmadi Ghat road in South Kanara.

* 1517 *Q.*—Mr. A. B. Shetty: Will the hon. the Minister for Education and Local Self-Government be pleased to state whether the amount required for repairs to the Charmadi Ghat road in South Kanara has been provided for in the coming budget; and, if so, how much?

[a] Printed as Appendix V on page 401 infra.

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A.—There are two estimates, one for Rs. 15,580 and the other for Rs. 1,12,300. The budget for 1930–31 contains provision for a grant of Rs. 580 for the former, Rs. 15,000 having been voted on a supplementary demand on 20th January 1930. It may be found possible to deal with the second estimate by a supplementary demand in the course of 1930–31 but this cannot, of course, be guaranteed.

Assignment of Lands

Assignment of lands in Madilingathahalli village.

*1518 *Q.*—Mr. A. RANGANATHA MUDALIYAR: With reference to question No. 70, dated the 7th August 1929, regarding the assignment of certain lands in Madilingathahalli village, will the hon. the Member for Revenue be pleased to state whether the Government have since received the report and if so, whether they will furnish the information asked for in the question?

A.—A copy of the report [a] is appended.

Irrigation

Extent of cultivation in Kollegal taluk.

*1519 *Q.*—Mr. BASHEER AHMED SAYEED: Will the hon. the Member for Revenue be pleased to state—

(*a*) the area of cultivated and uncultivated land in Kollegal taluk and the chief sources of irrigation for the cultivated lands; and

(*b*) the main sources of water-supply to the irrigation tanks in the Kollegal taluk?

A.—(*a*) The Government are not in possession of recent figures. In 1920–21, the arable area was 176,000 acres, of which 82,000 acres were cultivated.

(*b*) The chief irrigation works and their sources of supply are given below:—

Sources of supply.	Name of channel.	Name of tank.
Gundal river	Tanakarai channel..	Tanakarai tank.
Do.	Palayam channel ..	Palayam tank.
Gundal river, surplus of upper tanks.	Dodda Ranganatham channel.	Dodda Ranganatham tank.
Surplus of Dodda Ranganatham tank.	....	Chicka Ranganatham tank.
Surplus of Chicka Ranganatham tank.	....	Kongaikarai tank.
Surplus of Kallankarasi tank.	....	Mudikondan tank.
Surplus of Mudikondan tank.	....	Ambapuram tank.
Surplus of Kottaikarai tank.	....	Hondrabalu tank.
Rainfed	....	Kottaikarai tank.
Gundal river	Papankarai channel.	Papankarai tank.
Rainfed	....	Gunakahalli tank.
Do.	....	Terampalli tank.
Do.	....	Kundur tank.

[a] Printed as Appendix VI on pages 402–403 infra.

[1st March 1930

Supply of water to Kottapalli tank.

* 1520 Q.—Mr. A. RANGANATHA MUDALIYAR : Will the hon. the Member for Revenue be pleased to state—

(a) whether the ryots cultivating lands under Kottapalli tank have petitioned to the Government, to arrange for the supply of water to their tank, from the Kolekal tank, by forming a new supply channel of nearly a mile in distance ;

(b) the year or years in which the Kottapalli tank received inadequate or no supply at all and the amount of revenue remitted each year, during the last ten years ; and

(c) whether an estimate has been sanctioned to improve the supply of Kottapalli tank and if so, for what amount and when the work will be commenced ?

A.—(a) The hon. Member is presumably referring to the Kottapalli tank in the Rayadrug taluk, Bellary district. A petition on the subject was received by the Government in 1927.

(b) A statement [a] is furnished.

(c) No. It is reported that the Kottapalli tank besides the Kolekal and Veparaka tanks might be benefited by the Bhairavanitippa anicut scheme which is now under investigation.

Improvements to the Kanekal tank, Bellary district.

* 1521 Q.—Mr. A. RANGANATHA MUDALIYAR : Will the hon. the Member for Revenue be pleased to state—

(a) whether an estimate has been sanctioned for improving the supply channel and strengthening the bund of Kanekal tank, Bellary district ; and

(b) if so, for what sum and when the work will be started ?

A.—(a) An estimate for the restoration of the tank is being prepared by the local officers.

(b) Rs. 80,000 approximately. It cannot be said when the work will be started.

Investigation of the Belahal project.

* 1522 Q.—Mr. A. RANGANATHA MUDALIYAR : Will the hon. the Member for Revenue be pleased to state, with reference to the answer to question No. 177, dated the 9th August 1929, whether the investigation of the Belahal project has been completed and the estimates and plans got ready and, if so, for what sum ?

A.—It has since been found more economical to combine the Belahal and the adjoining Bheemanakeri tank projects. The investigation of the combined scheme has been completed. Estimates, plans and reports are still awaited.

[a] Printed as Appendix VII on page 403 infra.

1st March 1930]

Action taken on the memorial regarding the Honnohalla project.

* 1523 Q.—Mr. BASHEER AHMED SAYEED : Will the hon. the Member for Revenue be pleased to state—

(a) whether the Government have received any mahazar from the ryots of Kollegal taluk in connexion with the Honnohalla project ;

(b) if so, what action the Government have taken or propose to take in the matter ; and

(c) what steps the Government propose to take to bring under cultivation all the waste lands in the taluk of Kollegal ?

A.—(a) & (b) The attention of the hon. Member is invited to the answer to question No. 1374, dated 29th January 1930.

(c) The Government do not contemplate any special steps of so comprehensive a nature.

Land Revenue

Expenditure on account of kudimaramat work undertaken by the Public Works Department in Rayadrug taluk.

* 1524 Q.—Mr. A. RANGANATHA MUDALIYAR : Will the hon. the Member for Revenue be pleased to state—

(a) the major tanks in Rayadrug taluk, Bellary district, with reference to which a fixed kudimaramat charge is levied on the Public Works Department undertaking to do the customary labour hitherto done by ryots ;

(b) the rate per acre at which it is levied and the amount annually collected under the above arrangement ;

(c) the particulars of the kudimaramat work undertaken by the Public Works Department ; and

(d) the amount actually spent during each of the last five years on work hitherto being got done by ryots' customary labour ?

A.—(a) There are no such tanks.

(b), (c) & (d) These questions do not arise.

Loans

Sale of lands of depressed classes of Molagavalli Colony.

* 1525 Q.—Mr. A. RANGANATHA MUDALIYAR : Will the hon. the Member for Revenue be pleased to state, with reference to the answer to question No. 398, dated 14th August 1929, that the Government have asked for a report about the sale, etc., of lands of depressed classes of Molagavalli Colony, Alur taluk, Bellary district—

(a) whether they have since received the report ; and

(b) if so, whether they will furnish the information asked for in the question ?

A.—(a) Yes.

(b) A statement[a] furnishing the information called for is annexed.

[a] Printed as Appendix VIII on pages 403-404 infra.

[1st March 1930

Minor Irrigation

Execution of minor irrigation works in Bellary district.

* 1526 Q.—Mr. A. RANGANATHA MUDALIYAR: Will the hon. the Member for Revenue be pleased to state for each of the taluks of the Bellary district—

(*a*) the total number of minor irrigation tanks;

(*b*) how many of them are in repair and how many of them are out of repair according to the last jamabandi report;

(*c*) whether estimates have been obtained for the repair of the tanks reported to need repairs and if so, in the case of how many;

(*d*) if there are any for which estimates have not been prepared, the reasons for the omission and whether estimates have been asked to be prepared for them and if not, why not;

(*e*) the number of permanent and temporary minor irrigation sub-overseers in the district and the taluk or taluks they are respectively in charge of and the amount of fixed travelling allowance allowed to each per month;

(*f*) how it compares with the travelling allowance drawn by Revenue Inspectors, Police Sub-Inspectors, Excise Sub-Inspectors, Local Fund overseers and Public Works Department overseers for their respective jurisdictions; and

(*g*) whether there is a supervisor for the district to scrutinize the estimates prepared by the minor irrigation sub-overseers and supervise the sanctioned works in progress and if not, what the other arrangements are for such technical scrutiny of estimates and supervision for works?

A.—(*a*) *to* (*d*) A statement[a] giving the particulars required is attached.

(*e*) There are three permanent sub-overseers, of whom one is in charge of Bellary, Sirugappa and Rayadrug taluks, another in charge of Adoni and Alur taluks and the third is in charge of Hospet and Kudligi taluks. There is one temporary overseer who is in charge of Hadagalli and Harpanahalli taluks. Each of the four sub-overseers draws a fixed travelling allowance of Rs. 27–8–0.

(*f*) The rates of fixed travelling allowance drawn by Government and Local Fund subordinates of the classes mentioned are as under:—

	RS.	A.	P.	
Revenue Inspectors	22	8	0	
Excise Sub-Inspectors ...	25	0	0	
Public Works Department Overseers	30	0	0	if in charge of more than one taluk and Rs. 22–8–0 in other cases.
Local Fund Overseers ...	40	0	0	

(Police Sub-Inspectors do not draw fixed travelling allowance but are paid ordinary travelling allowance under the Madras Travelling Allowance Rules.

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[a] Printed as Appendix IX on page 404 infra.

(g) There is no supervisor in Bellary. The attention of the hon. Member is invited to paragraph 1, clause (iii), Part I of Board's Standing Order No. 87, as amended by correction slip No. 255, dated 5th September 1927, which contains the existing orders regarding the scrutiny of estimates.

Panchayat Forests

Alleged memorial regarding the Ajjarkadu Panchayat Forest.

* 1527 Q.—Mr. A. B. SHETTY: Will the hon. the Member for Revenue be pleased to state—

(a) whether the Government have considered the memorial submitted to His Excellency the Governor by the people of Kadekar and four other villages of Udipi taluk in regard to the Ajjarkadu Panchayat Forest; and

(b) what action they propose to take for redressing the grievances mentioned in the memorial?

A.—(a) & (b) The Government have called for a report from the Board of Revenue.

Revenue Establishments

Number of cases filed in the Courts of the Revenue Divisional Officers of Puttur, Coondapoor and Mangalore.

* 1528 Q.—Mr. A. B. SHETTY: Will the hon. the Member for Revenue be pleased to state, with reference to answer to question No. 1237 answered on 24th January 1930, whether he has got the information regarding the number of revenue and criminal cases filed in the Courts of the Revenue Divisional Officers of Puttur, Coondapoor and Mangalore in South Kanara (figures to be got separately)?

A.—The information has been called for but has not yet been received.

Elections

Preparation of revised electoral rolls for the next elections to the Council.

* 1529 Q.—Mr. J. A. SALDANHA: Will the hon. the Home Member be pleased to state whether Government have decided to order the preparation of revised electoral rolls for the elections (if any) that may take place after the termination of this Council in June next?

A.—The attention of the hon. Member is invited to rule 9 (4) of the Madras Electoral Rules. The electoral rolls for the constituencies of the Madras Legislative Council were last revised and published in October 1929 and are in force now.

Mr. J. A. SALDANHA:—"May I know whether the electoral rolls referred to in the answer given to this question will be in force at the time of the next election?"

The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur:—"I think so, Sir."

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Legislative Council

Work done by the Council Secretaries.

* 1530 Q.—Mr. K. R. Venkatarama Ayyar: Will the hon. the Home Member be pleased to state—

(*a*) the date of appointment of the three Council Secretaries attached to the three Ministers;

(*b*) the cost incurred down to 31st January 1930 in payment of salaries and allowances to the three Council Secretaries aforesaid and the estimated further cost down to 13th June 1930;

(*c*) whether the said Secretaries or any and which of them have maintained any journal or official record of their work; and

(*d*) whether the appointments were intended to serve or in fact served any real public purpose and, if so, in what way?

A.—(*a*) The three Council Secretaries were appointed with effect from the 2nd August 1928;

(*b*) The Government have no information but will call for it.

(*c*) The Government have no information.

(*d*) The attention of the hon. Member is invited to page 132 of Volume II of the Madras Legislative Council Manual which gives the duties of the Council Secretaries.

Mr. Sami Venkatachalam Chetti:—"May I know from the hon. the Home Member which department should be consulted for this information? Does the hon. the Home Member mean that the Government have no information? If so, from whom should we call for the information?"

The hon. Khan Bahadur Sir Mahomed Usman Sahib Bahadur:—"From the Accountant-General."

Mr. Sami Venkatachalam Chetti:—"I am not asking about the salary and allowances drawn by the Secretaries. But I am asking about the duties of the Council Secretaries."

The hon. Khan Bahadur Sir Mahomed Usman Sahib Bahadur:—"Their duties are defined in the Legislative Council Manual. The hon. Ministers must be able to give the information."

Mr. Sami Venkatachalam Chetti:—"Could not the hon. the Home Member have got this information from them and supplied to this Council?"

The hon. Khan Bahadur Sir Mahomed Usman Sahib Bahadur:—"No, Sir."

Mr. Sami Venkatachalam Chetti:—"Why, Sir?"

The hon. Khan Bahadur Sir Mahomed Usman Sahib Bahadur:—"Because the Government do not think it necessary to do so."

Mr. Sami Venkatachalam Chetti:—"The Government do not think it necessary to inform a Member of this House as to what duties the Council Secretaries are doing. The question is whether they maintain any diaries or not."

The hon. Khan Bahadur Sir Mahomed Usman Sahib Bahadur:—"I do not think there is any necessity for the maintenance of diaries."

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Diwan Bahadur R. N. Arogyaswami Mudaliyar :—" May I know exactly what these Council Secretaries do ? "

The hon. Khan Bahadur Sir Mahomed Usman Sahib Bahadur :— " The work they do is defined in the Legislative Council Manual."

Mr. M. Balasubrahmanya Mudaliyar :—" May I know what really these Council Secretaries are doing for the pay and travelling allowances they draw and should not the Government have a check over them as to what work they are doing ? "

The hon. Khan Bahadur Sir Mahomed Usman Sahib Bahadur :—" You must remember, Sir, that the Council Secretaries are hon. Members of this Council and are expected to be treated with respect."

Motor Vehicles Act

Licensed motor vehicles in Bellary district.

*1531 Q.—Mr. A. Ranganatha Mudaliyar : Will the hon. the Home Member be pleased to state the number of licensed motors, lorries and buses, private and otherwise, in the Bellary district ?

A.—The number of motor vehicles registered in the Bellary district and in use there is given below :—

Cars	80
Taxis	5
Lorries	85
Buses	95
Cycles	9

UNSTARRED QUESTION

Assignment of lands to Mr. Ganesa Ayyar.

1532 Q.—Rao Bahadur K. Sitarama Reddi : Will the hon. the Member for Revenue be pleased to state—

(a) whether one Mr. Ganesa Ayyar has been applying to the Collector of Tanjore for assignment of lands ever since he returned from field service in 1919 ;

(b) whether the orders assigning lands to him were subsequently cancelled owing to technical causes ;

(c) whether he subsequently chose other lands which were made available to ex-service men under Board's orders ; and

(d) whether the Revenue Divisional Officer, Tanjore, has so far not passed orders ?

A.—(a) to (d) The Government have not the information but have called for a report.

STARRED QUESTIONS

Excise

Closure of toddy and arrack shops.

*1533 Q.—Mr. A. B. Shetty: Will the hon. the Minister for Public Health be pleased to state—

(a) whether any representations have been made to the Government by renters of toddy or arrack shops that their sales have been affected on account of the work done by the District Propaganda Committees; and

(b) whether any shops have had to be closed as the result of this propaganda?

A.—(a) Yes. Representations to this effect were received from certain renters of toddy and arrack shops in the North Arcot, South Arcot and South Kanara districts.

(b) The Government are not aware that any shops have so far been closed on this account.

Medical

Alleged post mortem examination of a gosha woman by a male doctor.

*1534 Q.—Mr. Basheer Ahmed Sayeed: Will the hon. the Minister for Public Health be pleased to state—

(a) whether it is a fact that post-mortem examination of the corpse of a Muslim gosha lady alleged to have been murdered by some Sub-Inspector of Police at Cuddalore O.T. was conducted by the District Medical Officer, South Arcot district, who is a male;

(b) under whose orders it was done;

(c) whether the Government have passed any orders governing the post mortem examination of Muslim female corpses and, if so, whether it wil be laid on the table of the House; and

(d) if not, what action they propose to take to put a stop to the practiced of post mortem examination of Muslim female corpses being conducted by male doctors in future?

A.—(a) & (b) A report[a] on the subject received from the Surgeon-General is laid on the table.

(c) & (d) A copy[a] of G.O. No. 1309, Judicial, dated 12th June 1915, is laid on the table.

Public Health

Objection to the construction of a certain building in Coonoor.

*1535 Q.—Mr. A. Ranganatha Mudaliyar: With reference to the answer to question No. 1347, dated 28th January 1930, will the hon. the Minister for Public Health be pleased to state whether the information called for has since been received about the objectionable construction of a building by H. M. D. Khan Sahib Ismail Siddick and, if so, what it is.?

A.—Yes. The answer[b] to question No. 1347 dated the 28th January 1930 is appended.

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a Printed as Appendix X on pages 405-406 infra.
b Printed as Appendix XI on page 406 infra.

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Grants to Puttur taluk for anti-malarial operations.

*1536 Q.—Mr. J. A. SALDANHA: With reference to question No. 601 answered on 27th September 1929, will the hon. the Minister for Public Health be pleased to state—

(a) what grant has been asked for by the President, Taluk Board, Puttur, for carrying out his scheme of anti-malarial operations; and

(b) what action Government have taken on his request?

A.—(a) & (b) The President, Taluk Board, Puttur, requested that a grant of about Rs. 1,000 should be given to the Taluk Board to carry out a scheme of anti-malarial operations and he has been informed that under the present policy of the Government no grant is admissible to the Taluk Board towards the cost of such measures.

Mr. J. A. SALDANHA:—"With reference to the answer given to this question, may I know what is the present policy of the Government in making grants to taluk boards?"

The hon. Mr. S. MUTHIAH MUDALIYAR:—"There is no policy to make grants. The President, Taluk Board, was informed that no grant was admissible to the Taluk Board, Puttur, towards the cost of anti-malarial measures."

Mr. J. A. SALDANHA:—"I want to know what is the positive policy of the Government and not the negative policy."

The hon. Mr. S. MUTHIAH MUDALIYAR:—"The Government have not yet decided to what positive policy they should adopt towards this question."

Economic condition

Alleged damages by fire in the plague camps of Harpanahalli.

*1537 Q.—Mr. A. RANGANATHA MUDALIYAR: Will the hon. the Member for Revenue be pleased to state—

(a) the number of huts that caught fire and were burnt in the plague camps of Harpanahalli taluk together with—

(1) the dates,

(2) the number of huts burnt,

(3) the number of lives of human beings and cattle lost,

(4) the extent of loss of property, and

(5) the measures taken, if any, to help the sufferers to rebuild their huts, to feed and clothe themselves, with reference to each of the accidents that have taken place;

(b) whether it is a fact that these accidents are caused by the use, in most cases, of highly inflammable material like cholam stalks right from the ground and that the ryots find it difficult to secure less dangerous material owing to poverty and other causes; and

(c) whether the Government have made any arrangements by which at least the poor could be helped with hutting materials which would expose them less to the danger of fire and, if so, what they are?

A.—(a) to (c) The Government have not the information. They have called for a report.

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Police

Direct recruitment of Deputy Superintendents of Police.

*1538 Q.—Mr. BASHEER AHMED SAYEED: Will the hon. the Home Member be pleased to state how many men have been either promoted or directly recruited as Deputy Superintendents of Police during the years 1928–29 and 1929–30, and the community to which they belong?

A.—A statement [a] giving the information is appended.

Report on the experiment of granting travelling instead of fixed conveyance allowance to Police officers.

*1539 Q.—Mr. A. RANGANATHA MUDALIYAR: Will the hon. the Home Member be pleased to state—

(a) whether the Government have received the Inspector-General's report on the working of the experiment of allowing Police officers to draw travelling allowance under ordinary Travelling Allowance Rules instead of a fixed conveyance allowance now in operation in the East Godavari and Coimbatore districts and what it is; and

(b) when it will be extended to the rest of the Presidency?

A.—(a) No. The Inspector-General of Police has been asked to submit a report only after the experiment has been in force for one year from 1st April 1929.

(b) The Government will consider the question of extending the scheme after the Inspector-General's report on the experiment has been received.

Selection of Sub-Inspectors of Police.

*1540 Q.—Mr. A. B. SHETTY: With reference to my question No. 1137 answered on 22nd January 1930 regarding selection of Sub-Inspectors of Police, will the hon. the Home Member be pleased to call for the information required and place it on the table of the House?

A.—The Government do not consider that it will serve any useful public purpose to collect the information.

Public Health

Extension of free distribution of quinine in malarial areas.

*1541 Q.—Mr. J. A. SALDANHA: With reference to the answer given to my question No. 624 on 30th September 1929, will the hon. the Minister for Public Health be pleased—

(i) to place before the Council a statement showing the quantity and cost of the quinine issued in several malarial areas from March to December 1929; and

(ii) to state—

(a) whether the special malarial officer has reported that the system has been successfully carried out in certain areas;

(b) whether he has recommended its extension; and

(c) what action Government propose to take thereon?

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[a] Printed as Appendix XII on page 407 infra.

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A.—(i) the Government have no information. It has been called for.

(ii) (*a*) No; the Special Malaria Officer has stated that the scheme has not been working for a sufficiently long period to enable him to judge the success or otherwise of the scheme.

(*b*) & (*c*) He has recommended the extension of the scheme to certain areas, but the Government have decided not to extend the scheme to new areas until the success of the scheme originally sanctioned is established.

Mr. J. A. SALDANHA :—" With reference to the answer given to this question, may I enquire whether in the latest report for the year 1929, the Special Officer has stated that the scheme has been working successfully in certain areas ? "

The hon. Mr. S. MUTHIAH MUDALIYAR :—" The answer to that is contained in clause (ii) (*a*). "

Mr. J. A. SALDANHA :—" I want to know whether in the latest report received, the Director of the department has himself stated that the scheme has been working successfully."

The hon. Mr. S. MUTHIAH MUDALIYAR :—" I do not know to which report the hon. Member refers. "

Education

Amendment of the Grant-in-aid Code.

*1542 *Q.*—Mr. A. RANGANATHA MUDALIYAR : With reference to question No. 33, dated the 6th August 1929, will the hon. the Minister for Education and Local Self-Government be pleased to state whether the Grant-in-aid Code has been since amended and if so, when and if not, the reasons for the delay ?

A.—The question of amending the system of grants-in-aid applicable to secondary schools is still under consideration. Provision for the extra cost on this account is included in the civil budget estimates for the next year. Orders will be issued on the subject after the budget estimates have been voted by the Legislative Council.

Revision of the pay of Junior Deputy Inspectors.

*1543 *Q.*—Mr. A. B. SHETTY : Will the hon. the Minister for Education and Local Self-Government be pleased to state—

(*a*) whether the Government have stopped the practice of selecting secondary grade trained teachers for the post of Junior Deputy Inspectors ;

(*b*) whether B.A., L.T.'s and graduates who are recruited for the post are given the same pay as secondary grade trained teachers who are selected for it ;

(*c*) whether school assistants who are B.A., L.T.'s get a higher scale of pay than Junior Deputy Inspectors with the same qualifications ; and

(*d*) whether the Government propose to revise the scale of pay now given to Junior Deputy Inspectors who are B.A., L.T.'s ?

A.—(*a*) No.

(*b*) & (*c*) Yes; on the general principle that pay is fixed with reference to the duties and responsibilities appertaining to a particular post or class of posts and not with reference to the qualifications of individual officers holding the posts.

(*d*) No.

Panchayat Forests

Constitution and working of forest panchayats.

* 1544 *Q.*—Mr. J. A. SALDANHA: Will the hon. the Member for Revenue be pleased to state with reference to G.O. No. 1275, Revenue, dated 28th June 1929—

(*a*) under what statutory authority forest panchayats in the Presidency were constituted and rules were made for their administration;

(*b*) whether Government have in view any legislation to give them legal basis; and

(*c*) whether the Government will be pleased to place the Forest Panchayat Rules on the Council table?

A.—(*a*) The constitution and administration of forest panchayats are governed by the executive orders of the Government.

(*b*) No.

(*c*) The rules regulating forest panchayats are at present scattered over a number of Board's Proceedings and Government Orders. With a view to consolidating these instructions the Board of Revenue has submitted to Government a draft standing order which is intended to embody all the instructions that are to be observed on the subject in future. This draft is being considered by the committee appointed in G.O. Press No. 95, Revenue, dated 20th January 1930, which has been placed at the disposal of the Press. The rules as finally approved by the Government will be published.

Mr. J. A. SALDANHA:—"With reference to the answer given in clause (*a*), may I enquire on what statutory basis the forest panchayats are placed?"

The hon. Mr. A. Y. G. CAMPBELL:—"They are not placed on any statutory basis."

Mr. J. A. SALDANHA:—"Then do they have any statutory force?"

The hon. the PRESIDENT:—"That is asking for opinion."

Criminal Tribes Act

Inspection of registered members of criminal tribes by the Police.

* 1545 *Q.*—Mr. A. RANGANATHA MUDALIYAR: With reference to the answers arising out of supplementary questions on the answer to question No. 1130, dated 21st January 1930, will the hon. the Home Member be pleased to state whether the Government have ascertained if the registered members of criminal tribes living in the villages mentioned in the answers are required to go and report themselves to the officer in charge of police stations in the neighbouring villages on a night every week and, if so, whether they have ordered the practice to be put an end to?

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A.—The Government have called for a report from the District Magistrate.

* Mr. A. RANGANATHA MUDALIYAR :—" May I know what are the rules which guide the Government in declaring certain classes as criminal tribes ?"

The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur :—" Notice, Sir. "

[*Note.*—An asterisk (*) at the commencement of a speech indicates revision by the Member.]

III

ELECTION OF A MEMBER TO THE SENATE OF THE ANDHRA UNIVERSITY.

* The hon. the PRESIDENT :—" I have to announce that Mr. B. Ramachandra Reddi has been declared duly elected to the Senate of the Andhra University by the non-official members of the Madras Legislative Council resident within the University area." 11-15 a.m.

IV

BILLS.

(1) THE MALABAR TENANCY BILL.

The Council then took up the consideration of the part of the Malabar Tenancy Bill returned by His Excellency the Governor.

* The hon. the PRESIDENT :—" The question is that in clause 13, sub-clause (1), the proviso be omitted."

* Mr. E. SANKARAN UNNI :—" Mr President, I rise to a point of order. This Bill had been returned once before to this Council under section 81-A of the Government of India Act. Certain amendments were also sent with a message. The House considered those amendments and to one of the amendments was added a proviso. The Bill was afterwards passed by the House as amended and sent back. On page 235 of the Council Proceedings it will be found 'the question is that the Bill as amended be passed into law', and this motion was adopted and the Bill was passed into law. My position is this: that the Bill having once been returned to this Council under the provisions of section 81-A of the Government of India Act, the Governor has exhausted his powers of returning and consequently the House also has exhausted its powers of reconsideration by necessary implication. I hope the House will pardon me for reading section 81-A of the Government of India Act, which runs thus :—

'Where a Bill has been passed by a local Legislative Council, the Governor, Lieutenant-Governor or Chief Commissioner may instead of declaring that he assents to or withholds his assent from the Bill return the Bill to the Council for reconsideration either in whole or in part together with any amendment which he may recommend . . .'
and so on and so forth.

" The question of reservation does not arise. The only question is, on the wording of the section is the Governor entitled to return the Bill a second time and are we entitled to consider it a second time ? My chief objection is that it will lead to a see-saw arrangement between the Governor and this Council if every time it is returned the Council were to reconsider and pass amendments of its own, the Bill will have to come back again and again. If the interpretation that is sought to be placed on the section is accepted, it will result in the Governor being enabled to return the Bill endlessly and ceaselessly. It is one of the cardinal principles of interpretation of

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statutes that they should not be interpreted in a way which would make their provisions unreasonable and reduce them to an absurdity, and further, they should be interpreted in such a way as would not lead to an abuse of power. If this section is interpreted in the way adopted by the Governor, it will really be an abuse of power."

* The hon. the PRESIDENT :—"Does not the hon. Member concede that section 13 as passed by this Council with the proviso has gone to the Governor for the first time on the second occasion ?"

* Mr. E. SANKARAN UNNI :—"My answer is that the proviso was also there, the first time. The question that was involved in that amendment was whether there should be security for all cases. That was the question. There the Governor considered that security should exist for all cases and the House considered that security should exist only in a few cases. The present question was part of the previous question."

* The hon. the PRESIDENT :—"Is it not a case that the opinion of the Council that no security was required in certain cases was before the Governor for the second time or for the first time ?"

* Mr. E. SANKARAN UNNI :—"There was before the Governor the opinion of the Council that security should not be taken in all cases. This case was a necessary part of the other amendment. If the present amendment was the only amendment before the Governor, then this sort of question from the Chair may be put to me. But since the whole question whether security should be taken in all cases was before the Governor the smaller question was included in it. This proviso said that in certain cases there should be security. By necessary implication and by logical reasoning, the original amendment included this also.

"Sir, I have tried to answer that question as best as I can. The interpretation that is sought to be put on the section may create a prepetual deadlock between the Council and the Governor. If a Bill is again and again returned by the Governor to the Council so that it may send it back to the Governor again and again, it would mean a perpetual deadlock. The object of interpretation should not be to create perpetual deadlocks but to effect a proper working of the Statutes. If the Governor's position is accepted, there is no reason why the Bill should not be returned any number of times. I submit the interpretation that is sought to be placed upon section 81-A is unreasonable. If it is accepted, it is likely to lead to absurd results.

"This Council has expressed its opinion more than once. The Select Committee has considered and rejected security. Then the matter came up before the open Council and the Council also rejected it. Now it is brought forward for the fourth time. What is the effect of this? The Governor who is to exercise this power can almost bully the Council into acceptance of a decision which he has arrived at. Sir, if this is allowed, such liberties as we possess will be curtailed. The power that is vested in the Governor should be exercised in a reasonable way.

"There is another way in which this matter should be looked at."

* The hon. the PRESIDENT :—"Before the hon. Member proceeds further, I wish to know from him what the intention underlying the right to return is. Is it not that the door should be left open for the Governor and the Council to negotiate with each other with a view to bring the Bill to a particular shape ?"

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* Mr. E. SANKARAN UNNI :—" That takes us to the scheme of the Act ?"

* The hon. the PRESIDENT :—" What is the scheme of the Act ? Does it not give room for negotiation between the Council and the Governor?"

* Mr. E. SANKARAN UNNI :—" I do not say that it is not open to the Governor to negotiate. If the interpretation is carried too far, it will lead to absurdity. How long and how often is negotiation permissible ? There is another reason why I say that the interpretation placed upon this section is not reasonable. Of course this section does not say that the Governor shall not return this Bill and there is no actual prohibition."

* The hon. the PRESIDENT :—" Am I to understand the hon. Member as stating that this interpretation is not possible ? "

Mr. E. SANKARAN UNNI :—" I do not say that interpretation is not at all possible, but in the sense of proper interpretation, it is not possible. It is just possible that that interpretation might be placed because there is no actual prohibition. In interpreting statutes of this character what is the rule laid down in the Interpretation Act, section 32 ? That Act seems to give an indication as to the principle of interpretations. Section 32 of the Interpretation Act says :—" Where an Act passed after the commencement of this Act confers a power or imposes a duty on the holder of an office as such then unless the contrary intention appears the power may be excercised and the duty shall be performed by the holder for the time being of the office." My submission is there is a contrary intention perfectly discernible in the Government of India Act itself. The rule does not say there should be actual prohibition. What it says is there should not be a contrary intention discernible in the Act. Such an intention could be gathered from a variety of circumstances. Under the section as it stands the Governor has power to withhold assent. Where there is another remedy prescribed in the Act by which the Governor may effectuate his intention it is not the intention of the Statute that he should come back to this Council and ask for reconsideration of its decision again and again.

" Apart from this, the Governor has another remedy in section 72-E of the Government of India Act. This is what it says:—

' Where a Governor's Legislative Council has refused leave to introduce or has failed to pass in a form recommended by the Governor any Bill relating to a reserved subject the Governor may certify that the passage of this Bill is essential for the discharge of his responsibility for the subject and thereupon the Bill shall, notwithstanding that the Council have not consented thereto, be deemed to have passed and shall on signature by the Governor become an Act of the local Legislature in the form of the Bill as originally introduced or proposed to be introduced in the Council or (as the case may be) in the form recommended to the Council by the Governor.' "

* The hon. the PRESIDENT :—" Is it not a case there that the Governor desires that a Bill should take a particular form ? "

* Mr. E. SANKARAN UNNI :—" I submit that he cannot possibly do it for the simple reason that the Governor has no power to initiate a legislation under the Act. So far as I am able to see, the section refers to cases where a Bill has been introduced by the Government and it has not been passed as recommended by the Governor. Now this House has not passed the Act in the form that was recommended by the Governor. I say that section 72-E exactly applies to the present situation, because this is a Bill which the Council has refused to pass in the form in which the Governor has recommended it. Therefore the Governor has power under section 72-E to certify the Bill and that seems to me the most proper method.

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11-30 a.m. "Sir, this is a reserved subject. Therefore in spite of 'the happy family system' it is the duty of the executive half to go on with the legislation. If it finds that it is in disagreement with the Council, it should take the responsibility in its own hands. It must have the courage to take the responsibility in its own hands. If the Governor feels that the decision is wrong, I do not think it is a proper exercise of his power to remit the Bill again for reconsideration. It is an abuse of power to return it. I therefore submit that this motion cannot be put before the Council as we have exhausted our power."

Mr. J. A. SALDANHA :—"It seems to me that the arguments used by my hon. Friend, Mr. Unni are exactly the arguments in support of the Governor to send the Bill. My friend quoted 72-E 'Where a Governor's Legislative Council has refused leave to introduce, or has failed to pass in a form recommended by the Governor . . .' etc. These are the powers which His Excellency should exercise as an extreme measure. His Excellency could have exercised his power by certifying the Bill in the form recommended by him without requiring the Bill to go again to this Council. But His Excellency is not precluded from remitting the Bill."

* The hon. the PRESIDENT :—"I do not think anybody will be justified in discussing whether His Excellency was justified or not justified in returning the Bill. He has done it. The only point for consideration is whether the Council can reconsider the Bill."

Mr. J. A. SALDANHA :—"I say there is no abuse of power."

* The hon. the PRESIDENT :—'We have nothing to do with the point whether he abused or properly used the power. The question is whether the Council can reconsider the Bill."

Mr. J. A. SALDANHA :—"The point is whether it can be reconsidered a second time. That is the point of view my friend expressed. There is nothing in the Act which prevents . . ."

*The hon. the PRESIDENT :—"That was conceded by Mr. Unni himself in the course of his arguments."

Mr. J. A. SALDANHA :—"There is nothing in the Act to prevent the Council from considering it a second time. As a matter of courtesy, it has been sent. We have perfect right to reconsider the Bill. The powers of the Council are ample for considering it a second time. As long as the powers are not limited, I think this Council can exercise all the residuary powers to carry on a discussion or debate."

* The hon. the PRESIDENT :—"I believe that it is the spirit of the rules that the opinion of the Governor on matters reserved for his decision is quite final while the opinion of the President on questions reserved for his consideration is also final. When the Governor has decided that he has got the right to return a Bill, is it justifiable for the President to examine the question ? I want enlightenment on that question."

* Diwan Bahadur ALLADI KRISHNASWAMI AYYAR :—"I submit not for this reason. One authority is not constituted as a kind of appellate authority over the other unless a particular action is altogether outside this section and is ex faci illegal in which case the President may be called upon to say so. Each must respect the sphere of functions of the other. So when a Bill is remitted or returned under the terms of section 81-A and prima facie there is nothing illegal, I submit, Sir, that it would not be right for the President to go into

the question whether the return of the Bill is right or wrong. It would not be right, if I may say so, that there should be a discussion on the floor of this House or to ask the President to sit like a tribunal, to hear arguments and counter-arguments, the President being called upon to sit in judgment over the order of the Governor. That is why I would not like to embarrass the President by any arguments unless the President would like to hear the members on that subject of the proper interpretation of section 81-A. So far as the relative functions are concerned, that is the view I take of 81-A and that I would submit for the consideration of the President."

* The hon. the PRESIDENT :—" An interpretation is put upon section 81-A by His Excellency the Governor saying that the Council has power to reconsider the matter. Is it open for the President to sit in judgment over that interpretation, unless the interpretation is erroneous on the face of it ? "

Mr. SAMI VENKATACHALAM CHETTI :—" I suppose the hon. the Advocate-General said that this is not the place where a discussion should take place and that each should respect the feelings of the other."

* Diwan Bahadur ALLADI KRISHNASWAMI AYYAR :—" I never said that each should respect the feelings of the other."

Mr. SAMI VENKATACHALAM CHETTI :—" May I know if the President is aware that His Excellency the Governor has examined the question from the legal point of view and was satisfied that this section was capable of particular interpretation and on that assurance has remitted the Bill for reconsideration ? In the absence of that is it not open to the President to see that the rights and privileges of the House are not encroached upon either by the Governor or the Government ? "

* The hon. the PRESIDENT :—" I do concede that there may be cases where the Governor has interpreted a provision, in which it may be necessary for the President to interpret the same provision. But the question is when His Excellency interprets a particular provision in a particular way whether it is open to the President to act as an appellate or revising authority."

Mr. SAMI VENKATACHALAM CHETTI :—" How does the President know that he has examined ? He merely did the act of remitting the Bill."

* The hon. the PRESIDENT :—" That is interpretation."

Mr. SAMI VENKATACHALAM CHETTI :—" Granting that was the interpretation and the hon. the President is of the opinion that there was a patent wrong interpretation, will it be open to the hon. the President to take a different view and if the Government object to it is it not encroaching on the privileges of the President ? "

* The hon. the PRESIDENT :—" Why I place the limitation is that there may be cases under the rules where power is given exclusively to the President and the Governor may imagine that he has got power as an appellate authority. That is why I place the limitation. Where the interpretation is quite clear, perhaps in the interests of the House the President will have to protect those interests. Unless the meaning is clear from the section that the interpretation is patently wrong, I do not think the President will be justified in going into the involved interpretation. As far as my reading of the situation of other countries is concerned, in all cases where exercise is considered not quite within the law, properly constituted courts are the

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better judges to interpret the law subject to the final decision of the Privy Council, because they are the competent authorities to go into the involved interpretations of law."

Mr. SAMI VENKATACHALAM CHETTI :—" Will not your interpretation go to show that you are also of the opinion that the Governor should not commit the House to a particular view ?"

* The hon. the PRESIDENT :—" I have already stated that according to the spirit of the Act and according to the rules I feel that the scope of interpretation and the functions are so exclusive that one is not placed as a sort of appellate or revising authority over the other. Even as regards questions, resolutions and motions it is distinctly stated that the spheres of interpretation are quite distinct one from the other."

* Diwan Bahadur B. MUNISWAMI NAYUDU :—" Sir, I think the question as to whether when return of a Bill is made by the Governor under this particular section the Council may consider it is especially for you to decide when the return is made. You raised the question, supposing a certain interpretation is put by His Excellency the Governor on section 81-A and by virtue of that interpretation he sends it, whether you should sit as an appellate authority over that interpretation. I think so far as that point is concerned when we raise a question it is not as an appellate authority you sit . . . "

* The hon. the PRESIDENT :—" Even Mr. Unni says he may share that interpretation. In the course of his argument he stated that there is nothing to prohibit such interpretation."

* Mr. E. SANKARAN UNNI :—" My point was that because there was no actual prohibition it cannot be said that there was permission."

* The hon. the PRESIDENT :—" That is why I said that the interpretation should be patent."

* Diwan Bahadur B. MUNISWAMI NAYUDU :—" In raising the question on the floor of the House, it is only inviting your opinion as to whether the Council will be within law to reconsider it. I entirely agree with you that when once the interpretation put upon a section by the Governor is a patent and a possible one it may not be right that the President should give a different interpretation. Whether after all it will come under 81-A is a question that we have to discuss. Under 81-A this is returned. This does not refer to a Bill being returned a second or third time. You refer to the rules wherein it is stated that with regard to motions and resolutions certain functions of the Governor and the President are clearly defined and that the decision of the Governor is final in certain events. There is nothing of that sort here. I do not want to question the power exercised by His Excellency on this matter but I only want to know whether the question of a second return arises especially in view of the fact that on the last occasion when this Bill came on, you put the whole Bill as amended to be passed. I find it so in the proceedings."

* The hon. the PRESIDENT :—" I just now referred to the votes and proceedings that are being circulated. I do not find such a thing in the votes and proceedings. This appeared the very next day. The Secretary says that a correction slip is being issued in regard to the proceedings, so as to bring them into conformity with the votes and proceedings."

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* Diwan Bahadur B. MUNISWAMI NAYUDU :—" In that case I will only read the section : ' Where a Bill has been passed by a local lagislative Council the Governor may instead of declaring that he assents to or withholds his assent from the Bill return the Bill to the Council.' What is it that is being returned for reconsideration ? The Bill submitted was the original Bill passed."

* The hon. the PRESIDENT :—" Those refer to the previous section. It means passed and considered by the local council after return also."

* Diwan Bahadur B. MUNISWAMI NAYUDU :—" I do not know. The sequence of section 81 and 81-A clearly shows that it refers to a Bill which has been passed."

* The hon. the PRESIDENT :—" 81 is the old section and the amendment of 1919 introduced 81-A. The question of returning and reserving came in with the reforms and 81-A was introduced then."

* Diwan Bahadur B. MUNISWAMI NAYUDU :—" 81 will not apply to a case of this sort."

* The hon. the PRESIDENT :—" Suppose he argeed with the amendment under that section ?"

* Diwan Bahadur B. MUNISWAMI NAYUDU :—" I have nothing more to say."

* The hon. the PRESIDENT :—" As the Leader of the opposition wants a ruling from me as to whether the section bears the interpretation that the Council has got the power to reconsider a Bill any number of times, I think, I would be justified in giving my reasons for the conclusion I have arrived at." 11-45 a.m.

* Diwan Bahadur B. MUNISWAMI NAYUDU :—" I do not want it."

Mr. SAMI VENKATACHALAM CHETTI :—" I want it at any rate."

* The hon. the PRESIDENT :—" The power of returning a Bill is quite different from the power of reserving a Bill or giving assent to or withholding assent from a Bill. The main spirit with which a Bill is returned to the Council is to indicate that the Governor is prepared to give his assent if certain amendments are carried. It is a sort of negotiation that goes on between the Governor and the Council and I think it is in the public interests that such negotiations should be made in order that any beneficial measure should become law instead of the same being withheld or refused. Therefore I think that the interpretation that the Governor has got the power of returning a Bill a second time is sound and the wording of section 81 and 81A of the Government of India Act justifies such interpretation. When a Bill is first returned to the Council under section 81-A and the Council reconsiders it, and it goes again to the Governor for consent, the only section that exists in the Act for giving assent is section 81. Under section 81 the wording is ' Where a Bill has been passed by a local Legislative Council ' and in section 81-A, it is ' Where a Bill has been passed by a local Legislative Council '. It may be seen that the terms are identical and both must bear the same interpretation. Unless we put an interpretation on the words ' When a Bill has been passed by a local Legislative Council ' in section 81 so as to include also cases where a Bill passed was sent back by the Governor,

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assent may not be possible under any other section, and as in section 81 identical terms have been employed, it is my view that the same interpretation should be put on section 81-A as on section 81.

"The Council will now consider the amendment to the Malabar Tenancy Bill."

Mr. MUPPIL NAYAR OF KAVALAPPARA :—"Mr. President, Sir, I am sorry I shall have to oppose the amendment. We never wanted any security from the verumpattam tenant. In the Select Committee stage of the Bill, after consulting the janmis of Malabar, it was definitely decided that we will not have any provision for security from the verumpattamdar. While reading through the message one is to carry the impression that it is more or less intended to benefit the janmi but it will only help the kanamdars. They would be able to collect amounts due and pay the dues to the immediate landholder and thus it would be only beneficial to them. And as such I oppose the motion."

* Mr. E. SANKARAN UNNI :—"Mr. President, Sir, before I speak on the amendment, I may be permitted to offer a personal explanation which is necessitated by the message which His Excellency has been pleased to send this House. It is also relevant because the considerations that induced His Excellency to return the Bill to the Council refer to me in particular. The message reads: 'I have given careful consideration to the report of the discussions in the Legislative Council and to representations that have been made to me by deputations and otherwise in respect of the Malabar Tenancy Bill. While I fully realize the care and attention that has been given to the Bill by the Council, it appears to me that the proviso inserted in clause 13, sub-clause (1) which was opposed by the representatives of the tenants, though supported by the member nominated to represent the janmis (that is myself), imposes a condition on the janmis which would place them at a disadvantage when the fixity of tenure given to the tenants is taken into consideration. I accordingly return under section 81 A (1) of the Government of India Act, the part of the Bill specified below to the Legislative Council for its reconsideration together with the amendment appended, which I recommend.'

"That is a passage which, I submit, casts a reflection on my conduct in this Council. His Excellency seems to think that in opposing security, I have acted against the interests of my constituency, if I may so call it, particularly in asking that the security clauses may be reduced to the smallest limits to which Mr. Muniswami Nayudu's amendments confined them. Sir, I have got certain facts to be placed before the Council which should come to the knowledge of His Excellency the Governor also. When I was nominated as a Member in connexion with this Bill, I may say here for the information of my friends the Government did not extract any sort of promise from me as to the conduct I shall pursue here; they left me alone. In the discharge of the duties with which I was charged it was absolutely essential—and proper too—that I should be guided in all that I did by the views of the janmis of Malabar. The first thing that I did on my being nominated was to call a large meeting of the janmis. The meeting was held in the residence of my hon. Friend, Muppil Nayar of Kavalappara. That meeting appointed a committee to instruct me in regard to this Bill. From the date the Council took into consideration this question and during the course of the proceedings of the Select Committee and all through the period it was under the consideration of

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this Council, there was a committee of some of the most influential janmis who were almost all of them present in Madras, some of them being almost always witnessing the deliberation of this Council from the President's gallery. I received my instruction from them as to the course I should follow and not one single amendment was moved by me in this House or in the Select Committee which had not received the sanction of almost all the members of the committee who were present here.

"This question came up for consideration in this Council in the shape of an amendment by the hon. Mr. Campbell. Then I got instructions from gentlemen who were present here to oppose the security and support the summary sections. That was exactly what I did. The Bill was passed and sent to the Governor for his assent. We approached His Excellency Sir Norman Marjoribanks with a long memorial. Not one single word was said in that memorial regarding security. At the suggestion of Sir Norman Marjoribanks, we submitted a long list of 18 amendments. None of them related to security at all. I now come to the last occasion. On this occasion I may say that I had instructions from no less a person than the Raja of Kollengode. He was then at Bombay and his letter, dated the 18th December 1929, was received by me here on the 20th morning, the Bill being taken into consideration on the 20th and adjourned to the 21st January 1930. I shall, with your permission read a portion of that letter."

Mr. K. KRISHNAN :—"Sir, May I ask whether the hon. Member is in order in reading out private correspondence which passed between him and another gentleman ?"

* The hon. the PRESIDENT :—"I understand Mr. Sankaran Unni wants to explain why he voted for the omission of the security sections as well as against the insertion of the proviso."

Mr. J. A. SALDANHA :—"How does it concern the point at issue ?"

* The hon. the PRESIDENT :—"He wants to explain the attitude which he took when the Bill was lately considered because he takes that the message is a reflection upon his conduct as a Member of this Council."

Mr. J. A. SALDANHA :—"May I inquire whether he could not seek the columns of the newspapers wherein he may explain his position to all including the Members of this Council ?"

* The hon. the PRESIDENT :—"I think the House will certainly show great indulgence to any Member when his conduct in the Council as a Member is reflected upon adversely to himself. He is trying to justify his vote and his conduct in the House. I think the House will be justified in showing due indulgence to him."

* Mr. E. SANKARAN UNNI :—"I am extremely grateful to you, Sir, for your ruling. I think that hon. Members of this House should only be glad to know the reason why I had acted in the manner I did. Mr. Saldanha had long been a Member of this House and he ought to recognize the value of their privilege ; but he has chosen to view it otherwise. Now coming to the letter, this is how it reads ; the letter is dated Bombay the 18th January 1930 and received by me on the morning of the 20th January 1930 :—

'You have of course to oppose amendments relating to the summary sections which are more important to us than security. You may point out that in kanam lands, we have enough and more of security and still we could not collect rents without much arrears. You may say the result will be the same with regard to verumpattam lands. So make a fighting speech and oppose the Government amendments.'

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"This was exactly what I did. I preferred clause 13 to security. Government interpreted the message as meaning that clause 13 must disappear in any event. That is the reason why the Bill has come back. Instead of asking for restoration of clause 13 suitably amended, the Governor is again asking for security.

12 noon. "I think I did make a fighting speech too, and I also opposed this particular amendment. Subsequent to the passing of this Act, we submitted again a memorandum to His Excellency the Governor, in which we did not ask for security at all. It was a memorandum to which my hon. Colleague, the Muppil Nayar of Kavalappara, the Raja of Kollengode, the third Raja of Calicut, and a number of the most prominent janmis were parties. I do not think I shall read from that memorial *in extenso*. What we really wanted was the summary procedure that has been taken away. (Mr. K. P. Raman Menon: Did you not say anything about security?) I shall come to it presently. We said in paragraph 2 of that memorial as follows:—

'In their minutes of dissent to the Select Committee's Report your predecessor's two colleagues Sir Krishnan Nayar and Mr. Campbell insisted on the importance of the provision requiring the cultivating verumpattamdar to pay one year's rent in advance as security, in accordance with the practice generally prevailing at present; and Your Excellency's predecessor accordingly made the inclusion of such a provision his principal recommendation in remitting the Bill. The Legislative Council has refused to require such security from any cultivating tenant who has held for three years without it. We submit that as the Bill finally stands the janmis are deprived of the last trace of a shadow of compensation for the confiscation of their rights.'

"Then in paragraph 4 of the memorial we say—

'We may be permitted to sum up our reasons very briefly. The Government of Madras disallowed Sir Krishnan Nayar's Bill in 1926 mainly for the reason that they considered it just that if the rights of the janmis were taken away substantially, the janmis should be given reasonable compensation. The Raghaviah Committee was instructed in that sense, and the original of the Bill now in question purported to afford some compensation though it admittedly confiscated more rights than Sir Krishnan Nayar's Bill. The compensation offered consisted of rights to—(1) Advance of rent, (2) renewal fees pitched intentionally high, (3) resumption for personal use and (4) summary process for collection of arrears of rent.'

"Mark the words 'summary process for collection of arrears of rent.' 'We have already contended in several memorials and interviews that these (security provisions) are illusory and in no true sense compensatory; we wanted especially (4) (summary procedure) and that has been definitely vetoed by Government.'" In fact, our insistence has all along been on the retention of the summary procedure and giving up of the security because we know it is a perfectly useless thing. It is a thing that is calculated to ensure nothing either to protect us or compensate us in any manner. We were not anxious, as some Malabar gentlemen have always been, to introduce the security clause in this Bill.

"Sir, after this message of His Excellency appeared in print, I took the trouble to write to some of the most leading janmis of Malabar who were concerned in this matter. I especially request the attention of the House to a few of the replies I have received, because this is a thing which happened after His Excellency's message was published. This is the reply I got from the third Raja of Calicut in his letter dated 27th February 1930 from Kottakal:

'From His Excellency's message to the Council, I see His Excellency has misunderstood your position. The view which you have presented to the Council in regard to the security clauses was and is the view of the janmis. It is a matter of gratification to me that in all that

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you have said and done in the Council regarding the Tenancy Bill you have acted on the advice and instructions of the leading janmis of Malabar. I hope you will make this clear to the Council and the Government. What we want is summary procedure, and not security.'

"Another letter is from the Elaya Thirumalpad of Nilambur, a leading janmi who has got 1·15 lakhs of paras of verumpattam, and it is a short letter. He says:

'I have read His Excellency's message returning the Tenancy Bill to the Council again. The language of the message seems to imply that in opposing "security" you were not representing the real interests of the janmis. The suggestion is, of course, unfounded. You acted on the advice of the leading janmis who were present in Madras when the Bill was under discussion. We deliberately decided to oppose "security" as it is sure to be used by karnavans for encumbering family properties. What we really want is a cheap and expeditious method of collecting rent. Nilambur has nearly three-quarter lakh as verumpattam. We have taken security from a few tenants. It is my experience that security does not facilitate the collection of rent. It is a remedy which injures the landlord and tenant impartially. I am fully in accord with the views expressed in your speech on this topic in the Council. I shall be glad if you can manage to get back the summary clauses. Please try.'

"I have only two more letters which I may be permitted to read. The following is a translation of the letter in Malayalam from Poomulli Manakkal, Mr. Cheria Vasudevan Nambudripad of Peringode:

'I have seen in the *Hindu* received here to-day the message accompanying the Malabar Tenancy Bill which has been returned by His Excellency the Governor to the Council. I am very sorry to see that therein it is said that your support of Mr. Muniswami Nayudu's amendment was an act against the interest of the janmis. It will be admitted by all that you have done nothing in connexion with the Tenancy Bill except in accordance with the views of the leading janmis. And when the Bill was actually under discussion you were specially asked to say that security was not required and that summary procedure would do. The janmis who have large verumpattam do not want security. My family has a verumpattam of 11,500 and about 2,000 verumpattam tenants. There is munpattam (advance rent) of only about 35,000. The rent of these who have given security is nil, and it was not more easily collected than the rent of those who have not given security. What the janmi requires is the summary procedure that was in the Bill. Its deletion is likely to cause serious injury to the janmis. In my opinion, one year's munpattam has not been found to facilitate the collection of rent in any way. No good will come out of munpattam. It will only add to the indebtedness of the family. So I specially request you to make an effort to get rid of the security clause and to get the provision for summary procedure reintroduced.'

"Then there is a last letter which I will read with very great pleasure. It comes from a person who is particularly well known to most of the Members of this House, my friend Mr. Prabhakaran Tampan. I am particularly proud to have that letter because I value his commendation greatly. He says:

'You seem to be getting fidgety over the reference to your attitude in the message sent by His Excellency the Governor to the Council in remitting the Malabar Tenancy Bill. I need hardly tell you that, were I in the Council, I should have done precisely what you did. I assure you, if indeed such an assurance is necessary, that you more than justified your nomination, acting as you did, in most cases, according to our instructions and after full discussion with us. As regards the new amendment, I am of opinion that you need not vote either way. That is a very small matter when compared to the large confiscatory provisions contained in the Bill, and I would let it take its own shape. You had better watch the proceedings and intervene only when and if any explanation has to be made. Of course, this is only a suggestion and I leave it to you to decide for yourself.'

"Now I am extremely grateful to this House for giving me this opportunity for making it plain to the House and to those others whom it may concern that I have acted always in the interest of the janmis. It is possible that His Excellency believes that what the janmis consider to be beneficial to them is not really in their interest. It is possible that His Excellency in his wisdom and knowledge thinks that the janmis do not know what is good for

them. But I respectfully submit that it is better to ask a man whether he wants a thing before you give it to him. You may be assuming too much responsibility, if you act on the assumption that the janmis of Malabar do not know their own minds. I am grateful to the House for the opportunity given to me for making this explanation.

"With regard to the amendment itself, I propose to take more or less the course recommended by Mr. Tampan. However, I desire to point out that the attitude of the Government in regard to this matter has not been consistent throughout. When this matter was under the consideration of the House in the second reading stage, Mr. Madhavan Nayar, who was then here at the time, moved an amendment that only half-year's verumpattam need be taken as security. The Government were prepared to accept the proposal. Now the Government are for taking one year's rent in advance or obtaining security to cover it. Our attitude in this matter has always been consistent. As I have said, security or advance payment for one year is of very little value to us. What actually matters for the collection of rent is the summary procedure. I cannot repeat it too often that we are not prepared to accept the security provision in the place of the summary procedure that was found in the original Bill. I consider that the security clauses will injure the janmis and the actual cultivating tenant alike. I may add that, as pointed out by my hon. Friend, the Muppil Nayar of Kavalappara, the Bill has not been returned in the interest of the janmis. If the Government were anxious to safeguard our interests, they would have acceded to our prayer for summary procedure. I do not desire to add anything to what I have already stated in regard to this matter. All that I had to say in regard to security I have said on the last occasion."

*Mr. A. Achutan:—"Sir, I am not going to make a fighting speech. That belongs to the province of my hon. expert Friend, the janmi representative. He is of the type described by the poet:—

'Even though vanquished he will argue still.'

"But I am for peaceful and quiet methods by which I have often gained victories.

'Peace has her victories
More renowned than those of war.'

"Sir, my hon. Friend, Mr. Sankaran Unni, submitted to this House that he is against the security section. I am afraid he and his janmi friends are talking in that respect with their tongues in their cheeks, and they are saying what they do not mean. Their only object in saying so is to see that this legislation is wrecked *in toto*. That is the object with which they opposed the provisions of this Bill, and that is the object with which they are opposing also this security provision.

"Now, Sir, this Malabar Tenancy Bill, as you all know, has been a most ill-fated measure, because it has been dragging on at each remove a lengthening chain. My attitude towards this legislation has all along been one of least resistance. I always preferred to choose the lesser of the two evils. If this security provision is going to be maintained, it must be reckoned as an evil. But if this legislation as a whole is going to be wrecked on the rock of security it will be a greater evil and nothing short of a disaster to the tenants of Malabar.

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"Therefore I prefer the lesser of these two evils and propose to vote for the Government amendment wholesale. I want to avoid the disaster threatening Malabar if this legislation is not passed. Sir, the persistence with which the Government have been pressing this provision time and again only goes to show that they are very anxious to maintain the scales even between the tenants and the janmis according to their lights. There is abundant evidence in the provisions of the Bill now under consideration to show that the Government have been trying to respect the sentiments of both the janmis and the tenants in Malabar. For one thing they have been paying more than respect to the sentiments of the janmis and less than respect to the sentiments of the tenants. I believe it was Dr. Tagore who said in one of his books that you should not stoop too low, that respect duly given and taken will adjust the account between parties and that veneration is over-payment. Speaking in the language of Dr. Tagore I may say that the Government in this matter have been paying veneration to the sentiments of the janmis while they have been paying less than respect to the sentiments of the tenants—in one case overpayment and in the other case underpayment. However, I have no quarrel with the Government for this differential treatment; all I say is that the tenants of Malabar will be satisfied and more than satisfied if this legislation is passed into law as early as possible. Even without the security provisions, I may say, there are ample safeguards for the protection of the janmis' rights in this legislation. Every janmi ought to feel that his rights are secure. He ought to feel as though he was safely lodged in as this legislation is something like Noah's Ark. There is a provision for forfeiture of tenancy, for non-payment of rent and there is a provision for making the janmis' dues a charge upon the tenants' holdings. There are many similar provisions in all the chapters. In the face of these numerous protective provisions in the bill for the janmi, this security provision is one too many. Further, the verumpattamdars are entitled to be treated as the pet children of the legislature. You know, Sir, there were committees and commissions appointed by the Government composed of officials and non-officials to examine this question and report upon the feasibility or otherwise of a tenancy legislation for Malabar. All these agencies without a single exception have recommended the grant of full occupancy right to the verumpattamdar. But what does this legislation give the verumpattamdar? It gives only a qualified fixity of tenure hedged in with limitations. This is due to the compensation theory of which no whisper was heard in the history of legislation in Malabar. This compensation theory was trotted out first on the floor of the House from the Government benches a theory which has since. . ." 12-15 p.m.

The hon. the PRESIDENT :—"I think the hon. Member may leave the compensation theory alone for the present. We have had enough of it and it is not relevant to the question now under consideration."

* Mr. A. ACHUTAN :—"So far as the tenants are concerned, they have got fixity of tenure at a great sacrifice. In other parts of the country land legislation is founded upon principle of the landlord and tenant being co-partners in the common endeavour for land improvement and land enjoyment. But our tenancy legislation is founded on the conception of what are known as bought-and-sold in mercantile transactions. Every right given to the tenant is paid for and is to be purchased in the dearest market and every privilege is carefully weighed in nice scale and is worth its weight in gold.

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Your pound of flesh and nothing less is what is demanded of the tenant in return for this qualified fixity given to him. If in spite of these provisions, the tenants of Malabar are anxious to have this legislation passed at an early date, it is because, they hope, perhaps against hope, that their present material condition will, to some extent, be altered for the better. That is the hope that they entertain. Although there are harsh provisions in the Bill they welcome it expecting that some betterment will be introduced in their social and economic conditions. Their present economic condition I cannot describe in better terms than those of the poet who said of the tenantry of England in his time !

' There was a time where England's griefs began,
When every rood of ground maintained its man,
For him light labour spread its wholesome store,
Just gave what life required, but gave no more,
His best companions innocence and health,
His best riches, ignorance of wealth.'

" These poetic lines portray a true picture of a verumpattamdar of Malabar. Finally, my humble request to the House is not to drive the poor tenants of Malabar to exclaim in blank despair: ' Oh, Lord, save us from our friends in the Council.' I therefore request the House to facilitate the passage of this Bill into law as otherwise, it will be a calamity not only to the tenants but also to the Government since, so much of money and labour and trouble will be wasted in vain."

Mr. J. A. Saldanha :—" Mr. President, we have heard very eloquent speeches from the other side. It is hardly necessary for me to assert that I entirely agree with the sentiments expressed by the hon. Member from Malabar who has just spoken. I may point out, Sir, that this Bill does not err on the side of generosity to the tenants, kanamdars or other classes of tenants. I will not repeat the arguments advanced by my hon. Friend from Cannanore, but will make only one remark and that is that this legislation confers on the tenant only qualified fixity of tenure and that a verumpattamdar gets it only at a great sacrifice. It is not a question of compensation.

" As regards the other point, namely summary procedure, about which my hon. Friend Mr. Unni is enthusiastic, I may draw the attention of the House to a Bill which is being introduced in the Travancore Legislative Council where they have done away with all evictions and summary procedure."

* The hon. the President :—" I am not able to understand how it is relevant to the question of omitting the proviso."

Mr. J. A. Saldanha :—" There are two alternatives put before us by Mr. Unni."

* The hon. the President :—" The hon. Member is requested to confine his remarks to the proviso."

Mr. J. A. Saldanha :—" The proviso is quite fair and ought to be accepted. But I think the condition of three years occupation is unnecessary. It is not at all in the right direction. My hon. Friend the leader of the Justice party sometimes comes forward with amendments which very often

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remind us of Solomon coming to justice. But in this case he has not exercised the wisdom of Solomon. I think it is a very unwise amendment to be carried by this House. Where is the necessity to fix the three years' period? Why not make it six years as suggested by Sir Krishnan Nayar? Why not have it as 12 or 16 years? The principle is this; that when these verumpattamdars show some earnestness about getting the right of fixity of tenure, they ought readily to give some sort of security to the landlord that they will pay the rent regularly. If they are unable to pay one year's rent, surely they do not deserve the favour. Under section 46 of the Estates Land Act, a tenant has to pay an advance of one year's rent if he wants fixity of tenure. As that is the case in that Act, why not the verumpattamdars give one year's rent in this case and secure this right of fixity of tenure.

"Sir, these verumpattam tenants have been in possession of the lands and they have been in occupation of them for the last ten years, and in some cases for a period extending over ten years. But that does not mean that merely on that account they should be given fixity of tenure even though they may not deserve it. So I would insist that this provision which has been recommended by His Excellency the Governor should be carried." 12-30 p.m.

* Diwan Bahadur B. MUNISWAMI NAYUDU:—"Sir, I am sorry that the Bill has been returned to the Council a second time. The consideration which induced His Excellency to take that course seems to be that the amendment which this Council passed was one prejudicial to the interests of janmis. For the message says 'While I fully realize the care and attention that has been given to the Bill by the Council, it appears to me that the proviso inserted in clause 13, sub-clause (1), which was opposed by the representatives of the tenants though supported by the Member nominated to represent the janmis, imposes a condition on the janmis which would place them at a disadvantage when the fixity of tenure given to the tenants is taken into consideration.'

"Sir, I fear that there is not a correct grasp of the situation by His Excellency the Governor. What the Bill aims to give the kanamdar is permanency for his kanam. It also gives occupancy rights to the actual cultivator. What the janmis and the Government opposed all along was to give the kanamdar fixity of tenure. Now what the present clause professes to do is to protect the interests of the cultivators. Now if His Excellency meant by the term 'tenants' the kanamdars then he is right in stating that the amendment was opposed by the tenants. But, if he meant by the term 'tenant' the cultivating verumpattamdar then he is mistaken in thinking that the tenants' reperesentatives opposed the amendment.

"So far as the security clause is concerned, it was rejected by the Select Committee, and when the hon. the Revenue Member wanted to introduce it once again in the Council it was rejected by the Council. When a poll was taken, out of 82 members present then in the Council, 24 voted for the introduction and 48 against it and ten remained neutral. Of the 24 who voted for the introduction of the security clause we might ignore 16 members as they constitute the Government members and officers of the department. And if we look into the rest closely we see that Messrs. Madhavan Nayar, K. P. Raman Menon, Gopala Menon and Saldanha are included in that. The first of them is a representative of the kanam tenant, the second is the special member to represent the same cause and the third represents a commercial interest and with regard to Mr. Saldanha I shall deal with him later on. (Laughter.) Among those who voted against the security clause were Mr. Nambudripad,

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a janmi, Mr. Sankaran Unni, who has been nominated to represent the janmis, Mr. K. Krishnan and Mr. Achutan. Mr. Krishnan was nominated to represent the cultivating class in the Raghaviah Committee, and Mr. Achutan is nominated as expert Member for the cultivators. As regards both Messrs. Krishnan and Achutan, they voted against the security clause in the first instance. Then as regards Messrs. Uppi Sahib and Schamnad, they also voted against the section. So that you find that the kanamdars were for the security. The janmi representatives were against security being taken. My Friend Mr. Thampan was the elected representative in this Council, when Mr. Krishnan Nayar's Bill was discussed. He was always for giving the actual cultivator occupancy and did not ask for any security. When the Bill was returned for the first time, the question again came before the Council. The question that was taken up was whether the security clause should be inserted and a vote was taken, as a result of which 35 voted for, and 25 against it, in a total of 62 members. Mr. K. Krishnan and Mr. Achutan then voted for the motion. They did so not because they were in favour of it but because they were afraid that the Governor will not give his assent to the Bill otherwise. Mr. Krishnan said so in express terms.

"Then, Sir, came my amendment adding the proviso (now proposed to be deleted) which provided that those who have been in continuous possession of the land for more than three years should be exempted from it. Mr. Krishnan voted in favour of it. My Friend, Mr. Wood, and the members of his party also voted for my amendment. Now to-day the position taken up by the nominated Member for the janmi is that the security is not in the interests of the janmis, and the elected Member of the janmis is also of the same opinion. Left to myself I would still oppose the motion now under consideration. But I have been in touch with my Malabar friends for the last several days and all of them are anxious that this Bill should be passed, even with the amendment proposed by the Governor. If we do not pass this motion it is feared that His Excellency the Governor may not give his assent to the Bill, and as we are on the eve of the general election the Council will be dissolved and there will be no opportunity for us to negotiate with His Excellency the Governor. Therefore I do not propose to oppose the motion.

"Then as regards Mr. Saldanha, he seems to think that he is the only wise man and that all others are not gifted with wisdom. (Laughter.) He believes that the kanamdars are the only people who really require protection, and he is specially careful to see that no occupancy right is given to the cultivating verumpattamdar. In that respect I have to differ from him. I am not a Malabari, and I can view things from an impartial point of view, and I feel nobody will gainsay the fact that it is but legitimate that the cultivating verumpattamdar should be given the fruits of his labour consistantly with the interests of the janmis. Finally, I wish to say only this, that for the reasons stated above I do not wish to oppose the motion."

* The hon. Mr. A. Y. G. Campbell :—"Sir, it is perhaps unnecessary for me to take much of the time of the House in repeating the arguments used in favour of the motion. I do not propose to follow Mr. Sankaran Unni in his personal explanation with reference to His Excellency's memorandum explaining why he has returned this clause to the Council for reconsideration; but it seems clear from the memorandum that His Excellency has been given the impression that the retention of this proviso in the Bill is prejudicial to the interests of the janmis.

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"The argument is now put forward, for the first time I believe, that there is a danger that karnavans will abuse this power of demanding security and thereby encumber estates by demanding security from a large number of tenants. I submit it is difficult to see how the taking of security would be a serious danger to an estate. The security will have to be repaid only when the cultivating verumpattamdar is to quit his land; that is to say, ordinarily when he fails to pay the rent, and proceedings are taken against him, the security would then be adjusted towards the rent due. I fail, therefore, to see how the future janmi would be put to financial embarrassment on account of the action taken by his predecessor in this respect.

"I do not think that this clause will affect harshly those tenants who have not already given security. It may be true that in many cases no security has been demanded till now; but at present the landlord has got the arbitrary power of ejection; the Government and this House for certain reasons, which I need not explain, consider that it is necessary to limit the landlord's power over his tenants in certain respects but, Sir, we do not want to restrict his powers more than is necessary for the purpose which we have in view. It is an ordinary feature in leases now that security may be demanded by landlords from tenants, and if we give fixity of tenure to the tenant, it does not necessarily follow that we must take away the landlord's right to demand security. It may be that in some cases no security was demanded from the tenant till now because he was liable to summary eviction if he failed to pay his rent; but this liability has not been restricted. An argument advanced in favour of the proviso is that the tenant who has in the past proved to be a good tenant paying his rent regularly should be absolved from liability to give security for his rent in future. I would however point out that after all a tenant's rights in his holding are, under section 39 of the Bill, to be heritable and alienable. The exemption from liability to pay security would therefore be transferable with the land; but it does not follow that, because it is unnecessary to take security from a tenant *A* who has been a good tenant in the past, it will not be necessary or desirable for the landlord to take security from a person *B* to whom the tenant's rights in the holding may pass by inheritance or sale.

"I submit, Sir, that it is desirable that this proviso should be deleted."

* The hon. the PRESIDENT :—"The question is in sub-clause (1), clause 13, the proviso be omitted." 12-45 p.m.

The motion was declared carried.

A poll was demanded and the House divided thus :

Ayes.

1. The hon. Khan Bahadur Sir Mahomed Usman Sahib Bahadur.
2. ,, Mr. A. Y. G. Campbell.
3. ,, Mr. S. Muthiah Mudaliyar.
4. ,, Dr. P. Subbarayan.
5. Diwan Bahadur Alladi Krishnaswami Ayyar.
6. Mr. Hilton Brown.
7. ,, A. G. Leach.
8. ,, J. Gray.
9. ,, S. V. Ramamurti.
10. ,, C. B. Cotterell.
11. Syed Tajudin Sahib Bahadur.
12. Rao Sahib R. Srinivasan.
13. Mr. V. I. Muniswami Pillai.
14. ,, A. B. Shetty.
15. ,, J. Bheemayya.
16. Rao Sahib P. J. Gnanavaram Pillai.
17. Khan Bahadur Mahmud Schamnad Sahib Bahadur.
18. The Zamindar of Singampatti.
19. Subadar-Major S. A. Nanjappah Bahadur.
20. Mr. T. M. Narayanaswami Pillai.
21. ,, K. Krishnan.

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Ayes—cont.

22. Mr. N. Siva Raj.
23. " M. V. Gangadhara Siva.
24. Rao Sahib L. C. Guruswami.
25. Mr. D. Thomas.
26. " S. Venkiah.
27. " N. Srinivasa Rao.
28. " C. D. Appavu Chettiyar.
29. " A. Achutan.
30. Raja of Parlakimedi.
31. Mr. S. N. Dorai Raja.
32. " S. Arpudaswami Udayar.
33. " V. Ramjee Rao.
34. Rao Bahadur C. Natesa Mudaliyar.
35. Mr. P. T. Rajan.
36. Diwan Bahadur S. Kumaraswami Reddiyar.
37. Mr. T. K. Chidambaranatha Mudaliyar.
38. " Ramanath Goenka.
39. " K. P. Raman Menon.
40. " Khadir Mohideen Sahib.
41. " Chavadi K. Subrahmanya Pillai.
42. " C. Gopala Menon.
43. " T. S. Ramaswami Ayyar.
44. " C. E. Wood.
45. " F. E. James.
46. " A. J. Leech.
47. " R. J. C. Robertson.
48. " J. A. Saldanha.
49. " K. Uppi Sahib.
50. " K. V. Krishnaswami Nayakar.
51. " V. Ch. John.

Noes.

1. Muppil Nayar of Kavalappara.
2. Mr. E. Sankaran Unni.

Neutral.

1. Mr. P. Booshayya.
2. " U. Ramaswami Ayyar.
3. Diwan Bahadur B. Muniswami Nayudu.
4. Mr. A. Ranganadha Mudaliyar.
5. Diwan Bahadur R. N. Arogyaswami Mudaliyar.
6. Mr. Sami Venkatachalam Chetti.
7. " M. Balasubrahmanya Mudaliyar.

Ayes 51. *Noes* 2. *Neutral* 7.

The motion was adopted.

(2) A BILL FURTHER TO AMEND THE ANDHRA UNIVERSITY ACT, 1925 (BILL NO. 6 OF 1930).

* The hon. Dr. P. SUBBARAYAN :—"I introduce a Bill [a] further to amend the Andhra University Act, 1925 (Bill No. 6 of 1930) and move that the Bill be taken into consideration."

The hon. Mr. S. MUTHIAH MUDALIYAR :—"I second it."

* Mr. A. RANGANATHA MUDALIYAR :—"May I take it, Sir, that the Bill will not be referred to the Select Committee?"

The hon. the PRESIDENT :—"No."

* Mr. A. RANGANATHA MUDALIYAR :—"In that case, I will just point out that yesterday, when the papers were circulated, it was understood that the Bill would be referred to the Select Committee."

The hon. the PRESIDENT :—"Another notice has been received."

* Mr. A. RANGANATHA MUDALIYAR :—"I would only point out that I was under the impression that the Bill would be considered in detail in the Select Committee. I for one am not ready to proceed with it immediately."

* Mr. C. RAMALINGA REDDI :—"Sir, it would be well to proceed with the Bill straight away because, as has been just pointed out by my hon. Friend the Leader of the Opposition, the Council is fast approaching its end and who knows what might happen? There has already been sufficient delay in the matter. I am sure that so far as the merits of the question are concerned all Members are fully conversant and therefore no harm but much good will

[a] Printed as Appendix XIII at pages 407–411 infra.

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be done by putting it on the statute book as soon as possible. The University has been going on for a number of years in a condition of financial hopes deferred, and every day of delay means continuance of care and anxiety and I do hope that the Council will be so good as to come to the rescue of the Andhra University in this matter."

Mr. J. A. SALDANHA :—" Mr. President, Sir, I rise to protest against the fundamental principle underlying this Bill. Having regard to my views which I have expressed again and again in this Council, I am opposed to this Bill. Sir, first of all, having regard to the finances of this Presidency, the question is whether we should go on spoon-feeding the universities that have been springing up or are likely to spring up in the future. I am against this policy of spoon-feeding the universities. If the Andhra people wanted a university, they should have come forward with a large endowment. We have got, Sir, instances in other parts of India of large endowments coming forward to supplement the wish of the people. We have got in our own Presidency the instance of Raja Sir Annamalai Chettiyar who first came forward with a big endowment for founding a university."

* Mr. C. RAMALINGA REDDI :—" On a point of order, Mr. President. Is this all relevant when once the University has been founded ? "

* The hon. the PRESIDENT :—" I think the hon. Member is objecting to the Government granting Rs. 27 lakhs."

Mr. J. A. SALDANHA :—" At the time when the University was founded, more than one member of this Council said that large endowments would be forthcoming. I myself protested against the Government spending any more money than the endowment to be given by the people. At that time, an assurance was forthcoming that the Andhra province had a large number of zamindars, rich merchants and villagers who would contribute and that the Government would not be charged with any more money than they were capable of bringing forward themselves in the first instance. I admit that in the early fifties it was necessary for Government to found universities with their own moneys but now universities are springing up and they are coming forward with their own endowments first and are then asking Government to put in their endowment. We have got instances of the Aligarh University, the Benares University and other universities. In our own Province, we have the example of the Annamalai University. With regard to the Andhra University, how many lakhs have they come forward with ? At that time, I was told that 10 lakhs would be forthcoming. I do not think that more than 4 lakhs have come forward. The Vice-Chancellor was saying that the people would come forward with endowments. Where are those endowments ? After all, the university education should come in last but not first. We are starving elementary education, we are starving secondary education. Is it fair to the finances of this Presidency that we should endow this University with 27 lakhs of rupees when there is hardly a few lakhs coming from the other side—from the people themselves ? Therefore, Sir, I oppose first of all the fundamental principle of creating an endowment without an equivalent sum coming from the other side.

" Secondly, Sir, I notice that a Finance Committee is to be created for the University. We have not got any Finance Committee in the Annamalai University or in the Madras University. So this Finance Committee is,

I think, unnecessary. I think the Senate, the Academic Council and a number of other bodies will be capable, with the aid of audit officers, of controlling and checking any irregularities.

"Thirdly, Sir, the Committee is to include the Secretary of the Finance Department. I for one oppose the appointment of any member of the Government, especially the Finance Secretary, on any board. The other day I opposed the inclusion of this Secretary on the Industries Board. And similarly I oppose the appointment of the Finance Secretary on this Committee. And I do so for this reason. If there is any irregularity on the part of the University or Senate or Syndicate, that matter will ultimately come up for being noted upon by the Finance Secretary. Further the Finance Secretary is an official and why should he be troubled with these things? There
p.m. may be some debate in the Syndicate or the Senate which should not reach the ears of the Government. The Finance Secretary should be a controlling officer instead of being a member of the Committee advising the University. After all, he is not a great expert in financial matters. I do not know whether his presence is needed. The presence of the Finance Secretary on the Committee will be very embarrassing. Matters will come up to the Government for supervision and control. For these reasons I disagree with the principle of the Bill and I hope this matter will be carefully considered by the Council and that they will reject the Bill as it stands. This Bill will place the Council in a very embarrassing position when we have to consider the question of starting new universities; we want a Kerala University: we want a Karnataka University; a Tamil Nadu University is wanted. The question may be asked 'You have given so many lakhs of rupees to the Andhra University; why should not money be given for the starting of other universities?' Then where is the limit? It is for us, Kerala and Kanarese people, to come forward with funds for starting new universities. Everybody wants the help of the Government in each and every matter. I think I am right in opposing the fundamental principles of the Bill. I hope the Council will agree with me and reject this Bill in view of the miserable economic condition of the country. The Andhra people should stand on their own legs; they should not come to the Government for everything. Let them show that they deserve the Government grant; let them come forward with large endowments; they must help themselves; God helps those who help themselves."

Mr. T. S. Ramaswami Ayyar:—"Sir, when this Bill was stated to be referred to a Select Committee of the House, according to the original proposal of the hon. Minister for Education, I thought that some real work would be done in the Select Committee stage. But I see that a sudden change has taken place now. I take it, it is due to the presence of my hon. Friend, the Vice-Chancellor of the Andhra University here to-day. Perhaps funds are needed immediately and that is the reason why the Vice-Chancellor of the Andhra University is prepared to give up even some rights which, I think, he should have insisted upon. I take it that there is no similar body constituted for the Madras University. It may be that in the case of new universities like the Annamalai University and the Andhra University, the Government is anxious to impose this condition when they give grants. My submission to the House is this. I do not think it is really necessary that the Government should impose such conditions, when new universities are started, when block grants

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are given to those universities. They should have a certain amount of confidence in the autonomous body that is constituted. I am not quite sure whether the Annamalai University was quite well advised in accepting the terms of the Government. I now see that that precedent is attempted to be followed in the case of the Andhra University. As I stated at the outset, perhaps want of funds has made the Andhra University to accept the terms of the Government. I raise this point, Sir, because I feel that once this point is conceded, there will certainly be encroachment on the rights of the Madras University as well. It may be that the hon. Minister for Education proposes to bring in an amending Bill to the Madras University Act. What is the real need for such a Finance Committee ? There is the Syndicate of each University which is entrusted with the administration of the affairs and its funds. The Government is giving grants to the various universities as they are giving grants to various local bodies; local bodies should be encouraged to get on with their administration without undue interference from the Government. The Government should not think that it is giving doles. . ."

Mr. J. A. Saldanha :—" On a point of order, Sir. We have no quorum ; my hon. Friend is addressing empty benches."

(After a time there was quorum.)

Mr. T. S. Ramaswami Ayyar :—" I wish to conclude by saying that this House should not be a party to introduce undue interference in the matter of the administration of autonomous universities merely because we are giving funds to those bodies."

* Mr. A. Ranganatha Mudaliyar :—" Sir, it is better in the interest of the good working of this university, if we meet after a very short adjournment. You remember, Sir, for example, when my hon. Friends, Mr. Muniswami Nayudu and Mr. Kumaraswami Reddiyar, brought forward the Hindu Religious Endowments Act Amending Bills, at one stage I suggested that they might be taken up some time later so that we could consider them a little more carefully before they were finally passed. Some changes were thought necessary in those Bills. When some of the members met together and came to some general conclusions, with little or no difficulty those Bills were passed. Since it was given out yesterday that this Bill was going to be referred to a Select Committee, some of us have not gone into the provisions of the Bill and examined them carefully. I do not stand in the way of the Bill being passed into law. I suggest that we may adjourn now and meet again at 2–30 or 3 so that the hon. Minister may meet in the interval some of the Members of this House and if any amendments have to be made, it may be done. If it is thought that the Bill is perfect, then we can proceed with the consideration of the Bill. I put forward this harmless suggestion. I hope it will be accepted by the hon. the Chief Minister who says that there is nothing personal either in what he says or does. I, therefore, move, Sir, that the Bill be taken up at 2–30 p.m."

* Mr. Ramanath Goenka :—" I second it, Sir."

* The hon. Dr. P. Subbarayan :—" As hon. Members seem to be of opinion that we are rushing through this measure, I agree to this suggestion."

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* The hon. the PRESIDENT :—"The question is that the consideration of the Bill be postponed till after the lunch interval."

The motion was adopted.

The House then adjourned for lunch to re-assemble at 2–30 p.m.

After lunch (2–30 p.m.)

When the Council re-assembled after lunch the motion that the Bill be taken into consideration was put and adopted.

Clause 1.

Clause 1 was put, passed and added to the Bill.

Clause 2.

Clause 2 was taken up for consideration.

* Mr. A. RANGANATHA MUDALIYAR :—"Sir, the House is aware that some time ago it decided on the exclusion of the districts of Bellary, Anantapur, Cuddapah, Kurnool and Chittoor from the jurisdiction of the Andhra University. It was not a thing forced on them but was sought by the representatives of the districts and that was conceded to them. So long as they have chosen to keep themselves out of the jurisdiction and to be out of the sphere of operations of this University, it seems to me somewhat anomalous that this amending Bill should go out of the way to grant them representation on the executive bodies of the University. I therefore ask the Chief Minister why these districts should be given representation which apparently they do not want. I therefore say that so far as section 2 is concerned it should be omitted."

* Mr. R. NAGAN GOWDA :—"In supporting the statement of the hon. Member from Bellary I wish to state that in case of Bellary especially I do not want that this provision to have the members of the Legislative Council representing Bellary to be included there. Sir, in the Statement of the Objects and Reasons it is stated that since the members of the municipal councils, taluk boards and district boards of these districts continue to have their right to send their representatives to the Senate the same right ought to be given to the Members of the Legislative Council, etc. I think it ought to be the other way. Instead of including Legislative Councils, etc., for representation on the Senate of the Andhra University the Government ought to have brought in an amendment to exclude from the representation in the Senate the municipalities, taluk boards and district boards of these districts.

"Probably the Andhra University wants once again to try and get back these five districts into the Andhra University area. I do not want to say anything about the other four districts but so far as Bellary is concerned we do not want to be in the Andhra University area. We therefore suggest that this may be omitted."

* The hon. Dr. P. SUBBARAYAN :—"Hon. Members of this House will remember that the amendment of Mr. Muniswami Nayudu to the Bill of Mr. Nagan Gowda was carried and the right to send representatives by the local bodies was kept intact. It was felt at the time that after all the Andhra districts must come together and that if this representation were taken away from the Senate it might not be possible for them to come together. So we

want them to keep together as far as possible, though at present the members representing the Ceded districts feel that their two colleges, i.e., the Ceded districts college in Anantapur and the Theosophical college in Madanapalle should be affiliated to the University of Madras rather than to the Andhra University. At the same time Mr. Harisarvottama Rao, whom I am sorry not to see here to-day, wanted that the representation of these districts on the Senate of the Andhra University should be kept intact. Government felt it would be better also to give representation to the representatives of these districts in the Legislative Council, and that is the only reason which impelled Government to put forward this amendment. I hope therefore that hon: Members opposite will feel that it is better to continue in the Andhra University with regard to representation at least and not cut adrift from the Andhra University. There is also the question of Bellary raised by Mr. Gowda. Even if Bellary goes into the Karnataka University, if such a one is started at any time, there are Telugu people in the Bellary district whose interests are connected with the Andhra University. Therefore I hope hon. Members will not be for the omission of this clause."

Clause 2 was put, passed and added to the Bill.

Clause 3.

Clause 3 was taken up for consideration.

* The hon. Dr. P. SUBBARAYAN :—"I move—In clause 3, sub-clause (1) for item (2) under class I substitute the following :—

"The Financial Secretary to the Local Government".'"

The hon. Mr. S. MUTHIAH MUDALIYAR :—"I second it."

The question was then put to the House by the President.

Mr. A. RANGANATHA MUDALIYAR :—"I beg to move for the omission of that particular sub-clause."

* The hon. the PRESIDENT :—"I have already proposed the question. The hon. Member cannot move his amendment."

* Mr. A. RANGANATHA MUDALIYAR :—"May I do it at a later stage?"

* The hon. the PRESIDENT :—"Once the amendment is carried, it stands part of the Bill.".

Mr. SAMI VENKATACHALAM CHETTI :—"If this amendment falls through, will the original proposition be again brought up?"

* The hon. the PRESIDENT :—"Unless the motion is carried, the original proposition will be taken up."

* Mr. A. RANGANATHA MUDALIYAR :—"Then I oppose. My object, Sir, in inviting the attention of this House to this particular sub-clause and asking it to reject this sub-clause is this. The idea is to put the Secretary to the

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2-45 p.m. Government of Madras in charge of finance on the Syndicate of the University. I think the University is an educational body, and it has got its own executive body, the Syndicate, and I do not see any reason why an outside person, especially the Finance Secretary of the Government, should, by virtue of his position, be on the executive body of an important educational body like the Andhra University. I have no objection to his being on the Finance Committee, because he may be watching the disposal of finance from the point of view of the interests of the Government. But in the administration of purely educational affairs, which will be the main function of the Syndicate, I do not see why the Secretary to Government in charge of finance should be given a place."

* Mr. R. Nagan Gowda :—" Mr. President, Sir, I just want to say one word, Sir, and that is this. While many other local bodies like the local boards and municipalities are spending as much money as or even more than this University, it is not taken as necessary that on all these bodies the Finance Secretary ought to be a member. It is probably because they do not find any difficulty to carry on their functions. So, I personally do not see the necessity for the presence of this individual on the Syndicate. The University is a big enough and intelligent enough body to afford its own men to take care of its work. Therefore, I oppose that provision in the Bill."

Mr. T. S. Ramaswami Ayyar :—" Mr. President, Sir, I raised the point this morning that the present amendment proposed by the hon. Minister for Education would really be an encroachment on the privileges of the Andhra University. But I understand that really the Andhra University represented by the Vice-Chancellor has come to an understanding with the Government so far as the conditions are concerned. When such is the case, it would be quite unfair for another person to interfere so far as the grant of moneys of the Andhra University are concerned. For if a grant is to be made only on certain conditions and the Andhra University is prepared to accept those conditions, I for one would not like to come in the middle and say that the conditions should not be there and so the money should not be paid. But I once again state, Sir, that this should not be treated as a precedent for any future occasion. So far as the Madras University is concerned, as I stated, there is no such condition. I am anxious that these precedents once started should not be carried on in other cases also. It is only that anxiety on my part that made me get up and speak a few words."

* Mr. C. Ramalinga Reddi :—" Mr. President, I had better first say one word by way of personal explanation. I think my hon. Friend must have misunderstood me or could not have understood the import of our conversation quite correctly when he stated that I told him that the Government and the Vice-Chancellor of the Andhra University had come to some agreement as regards the terms on which these grants were to be given. No terms have yet been discussed between the Government and the University, and therefore it was not possible for the Vice-Chancellor to effect an understanding.

" As regards the merits of the proposition, I would like to say one word. The Syndicate is not purely an educational body. The Academic Council is the purely educational body, and the Syndicate is the executive body charged with various powers of administration.

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"The second thing is this. I am deeply grateful to my hon. Friends for the confidence they expressed in universities in general and in the Andhra University in particular. I appreciate the compliment, but our position is this. We would rather not have a Finance Committee at all. Therefore, I am at one with my hon. Friend from Bellary and Mr. Ramaswami Ayyar on this point. But, if we are going to have a Finance Committee, then we object to any people who are not members of any of the University authorities being members of it. Because, that would mean giving aliens who have no standing in the University and who do not feel any anxiety for University administration, a voice in the financial administration of the University. So, if the Finance Secretary is to be on the Finance Committee at all; our point is that he should be on the Syndicate also, so that he may define his proposals there and in the Senate also, and so that when the budget is presented by the Syndicate to the Senate it would have the benefit of the advice of the financial experts."

Mr. Sami Venkatachalam Chetti:—"I am really in a difficult position, Sir, after this amendment has received the blessing of the Vice-Chancellor of the Andhra University, who was known till recently as one who was opposed to all kinds of interference with the powers and privileges pertaining to the affairs of the University. In this amendment, I am afraid, there is a direct interference with the duties and functions of the University, and yet the Vice-Chancellor has thought fit to agree to sponsor this amendment. The whole consideration seems to be the money grant by the Government. Sir, it is only this morning that we had a similar incident of swallowing an insult to this Council. We had to agree to the Malabar Tenancy Bill amendment; otherwise the whole Bill would have collapsed and the tenants would have been at a disadvantage. Now, here, if we do not agree to these conditions, the Andhra University will not get the money. Therefore we have got to agree, and for this Rs. $1\frac{1}{2}$ lakhs grant we have got to include the Finance Secretary as a member of the Finance Committee; and because an outsider should not be a member of the Finance Committee, he should be a member of the Syndicate, and the Act provides that all members of the Syndicate who are not members of the Senate will automatically become members of the Senate. So for this Rs. $1\frac{1}{2}$ lakhs, the Finance Secretary is transformed into a member of the Finance Committee; as a member of the Finance Committee he is transformed into a member of the Syndicate, and from the Syndicate to the Senate. I do not object to this kind of arrangement purely from the Andhra University point of view. After all, the powers that are given to the Finance Committee are so illusory that they might end in deadlocks being created between the Syndicate and the Finance Committee. So far as the Finance Committee are concerned, I am not sure whether it will not lead to a conflict between the Senate and the Finance Committee. Because, the other section says that the Syndicate only shall prepare the budget statement and submit it to the Senate, while under the powers of the Finance Committee it is merely said that the financial statement should be referred to the Finance Committee. Who shall refer it, is not clear. Suppose the Syndicate refused to refer it to them; there is nothing to compel them to do so, unless the Vice-Chancellor takes upon himself the right to present the financial statement to the Finance Committee irrespective of the opinion of the Syndicate. Apart from that, I should like to know what will be the position of the Department of Education, when the Secretary of the Finance Department is in the Senate,

in the Syndicate and in the Finance Committee of the University. Take, for instance, Sir, a particular proposal which is made by the Syndicate; it is referred to the Finance Committee. The Finance Committee agrees to the proposal by a majority, the minority consisting of the Finance Secretary. Now the proposal is sanctioned by the Senate and it is forwarded to the Government. The Government ought necessarily refer that particular scheme to the Finance Department, and the Finance Secretary he is the head of the Finance Department below the Finance Member. Now, the Finance Secretary is the same gentleman who was in the minority in the Finance Committee of the University. All these are bound to create constitutional irregularities in the Government. It is just possible that the Minister for Education is of opinion which is not in consonance with the Finance Secretary's opinion as a member of the Finance Committee. Is it going to be a case of the Finance Committee disagreeing with the hon. Minister in charge of Education and the Finance Secretary advising his Chief, the Finance Member, to override the proposal on his own opinion? Now, if the hon. Minister for Education cannot get anything better out of his colleagues and get what amount he can for the Andhra University, we will only feel sorry for this kind of constitution."

* The hon. Dr. P. SUBBARAYAN :—" Mr. President, I am afraid the hon. Member for the City is always getting into the habit of asking questions which have no bearing at all. For instance, he said, 'who is going to refer the financial estimates to the Finance Committee?' It is provided in the statute itself that it shall be referred to the Finance Committee. (Mr. Sami Venkatachalam Chetti : By whom?) By the Syndicate naturally. It will be profitable for him to get legal opinion on the matter, because I am not going to give an opinion on the interpretation of the provision in the statute. I will only refer him to Maxwell, because on a perusal of it, he will be better informed on all these things. Therefore, there is no question of who is going to refer this to the Finance Committee.

"The second point he adumbrated was the question that the Finance Secretary may be in the minority of one. As regards the budget, the whole thing will come before the Government in the final stage, and there is no question of the Finance Member being advised by the Finance Secretary. In the first place, the budget does not come before the Government at all for approval. The budget is passed by the Senate of the University, and there it stops. It is only sent to the Government for information. (Mr. Sami Venkatachalam Chetti : What about the schemes?) As regards the question of schemes, it will always depend on whether the Government is going to give a grant or not. As is provided in another section, that will depend on the agreement come to between this House and the Government. So, there is no question of the Finance Secretary advising for or against, by being a member of the Finance Committee. Because there will be no determination of anything by the Finance Committee. It will depend on the Government as a Government, and till the grant is made by the Madras Government there can be no scheme in the Andhra University and inclusion of the same in the budget.

"He further asked the question why should the Finance Secretary be on the Syndicate? I think the Vice-Chancellor has said that there is no objection for the Finance Secretary being on the Syndicate. Because he is on the Syndicate, it is not going to be a case of the Finance Department overriding

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anybody or the powers of the Syndicate in the administration of the University. On the other hand, his opinion with regard to grants and budgeting may be welcome to the Syndicate, and that is the reason why he is put in. He is not put in as a condition precedent for the giving of any grants, as the hon. Member for the City put it. He had in mind perhaps the grant of Rs. 27 lakhs in saying so. He is put in only as an adviser in the Finance Committee and in the Syndicate in the matter of budgeting, etc."

The amendment was put and adopted.

Clause 3, as amended, was then put, passed and added to the Bill.

Clause 4.

* The hon. Dr. P. SUBBARAYAN :—" In clause 4, sub-clause (2), I move that the words 'The Secretary to the Government of Madras in charge of Finance' be omitted and the following be substituted :— 3 P

'the Financial Secretary to the Local Government'."

The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur :—" I second the amendment."

The amendment was put and adopted.

Clause 4 as amended was then put, passed and added to the Bill.

Clause 5.

Clause 5 was put, passed and added to the Bill.

Clause 6.

* Mr. C. RAMALINGA REDDI :—" Mr. President, I beg to move that the following be substituted for the proposed section 37-A which, however, makes no difference whatsoever in the subject-matter of the clause :—

'37—*A* (1) *The University shall have a fund called the Foundation Fund.*

(2) *The Foundation Fund shall consist of—*

(*a*) *the sum of twenty-seven lakhs of rupees which shall be given to it by the Local Government* ;

(*b*) *any contributions to this fund which may be made by the Local Government, the Government of India, any local or other public body, or others* ;

(*c*) *any contributions to this fund which may be made by the University* ; *and*

(*d*) *the sum of three lakhs and eighty-five thousand rupees in securities and cash which stands to the credit of the Foundation Fund of the University.*

(3) *The Foundation Fund shall be invested and be kept invested in securities issued or guaranteed by the Government of India or by Local Governments in British India and such investments shall not be varied without the consent of the Chancellor.*

(4) *The corpus of the Foundation Fund shall be kept intact but the interest thereon may be utilized for the purposes of the University.*'

[Mr. C. Ramalinga Reddi] [1st March 1930

"The amendment makes no change whatsoever in the contents of the clause as originally published. We take away the rather cumbrous expression 'Permanent General Capital Fund' which is a descriptive phrase and adhere to the appellation which this identical fund now bears in the Andhra University, namely, the Foundation Fund—a phrase which I venture to suggest is much more handy, much more picturesque and suggestive. The character of this fund is that the corpus shall be sacrosanct: the University shall be entitled only to spend from the interest thereof. As regards the investments, these shall be in the best possible securities available in the country, namely, those which are either issued or guaranteed by the Government of India or the local Governments. And to this fund shall be contributed the 27 lakhs which the Government have kindly undertaken to give. The University also has been able to build up a sum of about Rs. 3,85,000 perhaps slightly more now, which also will be included in this fund, and it is open to philanthropic bodies, Government and others to contribute to this fund. I think this is a very essential provision and I have no doubt the House will accept this clause. I may again add that this makes no departure from the existing practice of the University. We opened a Foundation Fund in the very year in which the University was organized, the underlying idea of the fund being that it shall not be touched, but only that the interest thereon shall be utilized. We cannot call it an endowment fund as is done in another Act. For, endowments usually mean that the funds given should be utilized for the purposes specified by the donors and with respect to which the University has no freedom of action. Endowments given for prizes and studentships and so forth are earmarked for special purposes. But this will be a general fund which will be available for purposes of the University, not for the administration of the University, but for the objects and purposes, namely, the educational objects and purposes to promote which the University exists. And I am sure the House would like this fund being reserved for promoting educational objects and purposes of the University instead of being diverted, as Government always fears, for the enhancement, say, of the Vice-Chancellor's salary."

* Mr. S. N. DORAI RAJA :—"I should like to know from the hon. the Chief Minister on what principle . . ."

* The hon. the PRESIDENT :—"The hon. Member will please wait till the amendment is seconded."

* Diwan Bahadur B. MUNISWAMI NAYUDU :—"I second the amendment."

* Mr. S. N. DORAI RAJA :—"Mr. President, Sir, I should like to know from the hon. the Chief Minister on what principle this grant of 27 lakhs is going to be given to the Andhra University. If the analogy is to be drawn from the case of the munificent grant made to the Annamalai University with the consent of the Council, I cannot agree for, in the case of the Annamalai University, the Government and the Council agreed to the grant to encourage private munificence. I do not know why this sum of 27 lakhs should be given to the Andhra University. I should like to know from the hon. Minister on what principle the grant is to be made. Supposing the Government builds a hospital and the people in charge of the hospital turn round and say to the Government 'Give us 10 lakhs as a foundation fund', is the Government going to give it? I hope this will be an exception and not the rule and though I feel that this sum may be better spent for greater advantage to the people instead of wasting it on academic and ornamental type of education, yet I do not want to stand in the way."

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* Mr. R. NAGAN GOWDA :—" Mr. President, I do not want it to be said of me that I opposed this grant of 27 lakhs which is a very paltry sum indeed considering the large area which this fund is likely to benefit. But still, I wish to state in view of the experience we have had with another University for which this House granted a similar sum just a little while ago and in view of the fact that in spite of the assurance given by that University that technology would form part of the university curriculum, it has not done so, I am doubtful whether this large sum that is going to be given by this House would not be spent for maintaining colleges to teach the liberal arts and general science which most of the students forget in three or four years after they are out of the school and which, even if they do not want to forget, they do not have any use for in after-life.

" Sir, all will remember the discussion that took place on the floor of this House when the grant to the Annamalai University was under consideration. It was urged at that time that technological and professional subjects should be included in that University curriculum. Now, Sir, I would have been very glad and would not have had any objection whatsoever if for the grant of this sum a condition was made that technological subjects only are to be benefited by this grant of 27 lakhs and a recurring grant of a lakh and a half. If this sum is to benefit the arts colleges in the Andhra area, I do not think we should go out of our way to please either the people of the Andhra University area or the Government who are interested in this and make this grant. It was only yesterday that the hon. the Chief Minister was saying that he did not have funds for constituting a rural reconstruction fund for this Presidency. Now here he comes forward with a request for a grant of 27 lakhs. If this sum is going to benefit the country by increasing its production, it will be all right. If this money is going to be used for the study of technological subjects like applied chemistry, industrial engineering and so on, I have no objection. We have not yet come to the time, as the hon. the Finance Member said yesterday, when we can attend to the decoration of our houses. The foundation for the more important things has first to be laid. So, Sir, unless satisfactory information is given on this point, I would not give my vote in favour of this amendment."

* The hon. Dr. P. SUBBARAYAN :—" Mr. President, I accept this amendment proposed by the hon. Member, the Vice-Chancellor of the Andhra University because it carries out the object that we have in mind. It is only a verbal amendment in most cases and does not in any material way differ from the amendment as proposed by the Government.

" I would like to tell my hon. Friend Mr. Dorai Raja that it is not a question of throwing away funds at anybody and everybody. The Andhras have for a long time demanded a university of their own and to satisfy their demand the then Minister for Education rightly carried a Bill for creating the Andhra University which, owing to want of funds, has not been able to do all that it could have done with regard to the improvement of university education in the Andhra area. But, as I said yesterday, Mr. President, with regard to the general discussion on the budget, I must congratulate the authorities of the Andhra University for having been able to put by as much as Rs. 3,85,000 or nearly 4 lakhs now to the credit of their fund. This, I think, is also an answer to Mr. Saldanha's question that the Andhras have not been able to collect any money. These 4 lakhs

would be put into the foundation fund. This shows the earnestness with which the Andhras and the University authorities are carrying on their work with regard to their university.

"Mr. Goenka puts me a question whether these 4 lakhs are enough. I know this sum is not enough. Perhaps in course of time people in the Andhra desa who are interested in Andhra culture would come forward to put the university on a much surer foundation than it is to-day.

3-45 p.m. "I am still hoping and I am sure the Vice-Chancellor is hoping and so are the members representing the Andhra University in this Council hoping that Andhra land-owners will come forward with munificent gifts that are necessary if the Andhra University is to function in the manner in which all of us would like it to function.

"Mr. Nagan Gowda again in his usual vein waxed eloquent about the starting of technological schools and colleges. He talked of teaching of applied chemistry in technology and so on and so forth and he was as vague as vagueness can be; and I am yet to learn from him what he means by that. (Laughter.) For my part I would rather leave it to be solved by the experts of the Andhra University.

"Mr. President, I hope this Council will accept this amendment and give the Andhra University a chance to function in the way in which we like it to function."

Mr. SAMI VENKATACHALAM CHETTI :—"Sir, the hon. the Chief Minister said that his amendment was only a verbal amendment on that of the Vice-Chancellor, but I fear, with reference to clause 2 (*a*) it is more than a verbal amendment. Clause (2) (*a*) of the amendment of the Vice-Chancellor reads thus : 'the sum of twenty-seven lakhs of rupees which shall be given to it by the Local Government subject to the condition that the said sum shall not be diverted from the Fund'; and that of the hon. the Chief Minister runs as follows :—'The sum of 27 lakhs of rupees which shall be given to it by the Local Government.' So I fear that something more is contained in the former than in the latter. May I know which is correct?"

The hon. the PRESIDENT :—"The author of the amendment will explain."

Mr. C. RAMALINGA REDDI :—"Mr. President, the two amendments are not materially different; in fact, the amendment of the Chief Minister is only a verbal amendment on mine. Under the rules of the Andhra University Act the corpus shall not be utilized for expenditure on any account. The present statutory provision is only a translation of that rule with respect to the foundation fund. Whether it is the 27 lakhs which the Government now give or the larger sums that I expect from the land-owners and local bodies of the Andhra desa they will all be subject to one and the same rule, namely, that in the first place the corpus shall not be touched. As regards the investment of the corpus, it shall not be varied without the previous sanction of the Chancellor."

Mr. SAMI VENKATACHALAM CHETTI :—"I do not question the propriety of the investment or the statutory provision relating to the corpus. I want to know whether there is not a material difference between the amendment of the Vice-Chancellor and that of the Chief Minister with reference to the giving of the 27 lakhs. One speaks of the giving of it with a condition, while the other does not speak of the condition at all."

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* Mr. C. RAMALINGA REDDI :—" May I point out to my hon. Friend that the restriction referred to already exists in the statute, and that the difference pointed out by him is only of an academic interest."

Mr. SAMI VENKATACHALAM CHETTI :—" Then am I to take it that there is no sense in the amendment of the hon. the Chief Minister." (Laughter.)

* Mr. C. RAMALINGA REDDI :—" I don't feel myself to be in a position to pronounce any judgment on it. Perhaps the hon. Member may feel himself to be better qualified for that than I."

Mr. J. A. SALDANHA :—" Mr. President, I rise only to enter my protest against the way in which the hon. the Chief Minister has chosen not to pay any heed to our opinion in the matter. Not only that, he has characterised what I said as mere vapourings, and I greatly fear that this Bill is brought in now into the Council not for the betterment of the finances of the University but to placate the Andhra sentiment on the eve of the election. So I enter my strong protest against the way in which money is being squandered for a purpose which is after all only secondary in importance in the matter of education. For these reasons I oppose the motion."

The hon. Dr. P. SUBBARAYAN :—" Sir, I was as vague as my hon. Friend representing the City, because we felt that if we put in anything more than is there we would be minimizing the autonomy of the Andhra University ; so we put in words just sufficient to safeguard the fund that we were giving. I was not aware of the rules to which the Vice-Chancellor referred to, of the income from the corpus being utilized for purposes of the University, already existing in the Act.

" I am afraid that Mr. Sami Venkatachalam Chetti did not listen to me when I moved the amendment. I said that there is not much difference between the clauses (*b*), (*c*) and (*d*) in the two amendments. As regards Mr. Saldanha he has talked in his usual vein and I don't propose to refer to it."

* Mr. RAMANATH GOENKA :—" Sir, I did not wish to intervene in this debate, but from the words of the Chief Minister giving us high hopes that there will be donors from the Andhra province, I thought I would be failing in my duty if I did not suggest to my hon. Friend that he would do well to ask the Vice-Chancellor to bring his donors first and then give him this 27 lakhs. Sir, if we now give this sum and if the Vice-Chancellor goes to the province and calls for gifts, the people would come forward and say 'why do you want money now, you have got 27 lakhs ?' So I say to him 'bring your donors first, and then we shall pay this 27 lakhs.' (Laughter and cheers). I think such a course will strengthen the cause of the Vice-Chancellor. I know, Sir, it is too late now to make that request and that there is no useful purpose in speaking now. Yet I say this so that whenever in future a request like this comes, he may ask the donors to come forward first and then give the grant. Or does the hon. Minister say that if somebody gives 4 lakhs for a particular cause he will give 27 lakhs. Then at this moment I shall give 4 lakhs and let him come forward with his 27 lakhs and start the college of technology. (Laughter and cheers.) Here is the offer and let him come forward with his money."

The amendment was put and adopted.

Section 37-B.

* Mr. C. RAMALINGA REDDI :—" Mr. President, I move that in the proposed section 37-B for the words ' as may be prescribed ' the words ' as the Senate may determine ' be substituted. In the Act the words ' as may be prescribed ' may mean prescribed by the Senate or by any other body like the Academic Council or Syndicate. So what is aimed by this amendment is to fix the responsibility, I mean the financial responsibility to one body. And that body should be the governing body and also the supreme body. And so it is better that this power is vested in the Senate, which has got both these attributes. In this the Andhra University is simply copying the Madras University and carrying out a ruling of the Chancellor to that effect. And I may, also in this connexion, point out that the present Finance Committee in no way conflicts with the autonomous character of the University, for it is entirely advisory, and the position of the Senate is not in any way affected by this Bill. For these reasons I move the amendment."

The amendment was duly seconded and put to vote and adopted.

3-30 p.m. * The hon. the PRESIDENT :—" Clause 6, as amended, is now for the consideration of the House."

* Mr. R. NAGAN GOWDA :—" I was a little bit surprised, Mr. President, when the hon. the Minister for Education and Local Self-Government said that I enjoyed talking about these matters concerning technology, etc., in an elusive way. Now, that was far from my mind indeed. As a matter of fact Sir, I was quite serious about the matter that we should have some assurance either from the hon. the Chief Minister or from the Vice-Chancellor that a great bulk of this fund should be utilized for technological and technical education. Sir, it was amusing to hear the hon. Minister for Education, who is in charge of Education of this Presidency, where there are so many schools and colleges for liberal arts and also many schools and colleges and institutions for technology should come forward and say that he did not understand the English expression ' technology.' Sir, it is the most surprising thing I have heard. It is something which I do not think the hon. Minister for Education could be very proud of. If he wants to know what technology, what applied chemistry means, I think, he would have to go back and start his Freshman's course over again. But if he wants me to give an example of what applied chemistry may include, I may tell him that it may include analysis and symptoms of organic substance. If he wants to know something about what other things it may include, I may tell him that it includes metallurgy, which deals with among other things making of better axles for his car; it also includes making of rubber. If he wants to know what agriculture means, I do not know, Sir, what to say. He is one of our famous zamindars owning a large area of agricultural lands. But I will tell him that the agricultural education would include raising better crops, and more crops, raising better cattle, raising more milk and dairy products and things like that. That is what I meant when I said that a great bulk of this money we are giving to the University ought to be used for teaching subjects which would help the future generations and which would benefit the people of this country."

Clause 6 as amended was put to the House, passed and added to the Bill.

Preamble.

The Preamble was put to the vote of the House, passed and added to the Bill.

* The hon. Dr. P. SUBBARAYAN :—" I now move that the Bill be passed into law. I do not think that many words are required from me for this purpose because the object of this legislation has been clearly set forth in the Statement of Objects and Reasons ; it is only to put the Andhra University on a better financial basis and to correct one or two misconceptions that have arisen with regard to the representation of the Ceded Districts on the Senate of the Andhra University. I am obliged to the Vice-Chancellor and to other Members of the House for the kind way in which they have treated the introduction of this Bill and especially to Mr. Ranganatha Mudaliyar who demands my appreciation for he had this Bill adjourned for an hour so that amendments could be carried. Sir, I am much obliged to him for the service he has thus rendered. I am obliged specially to the Vice-Chancellor for having come here on short notice and helped us to get through this legislation and thus also helped the Andhra University with regard to finances. I hope they will be able to carry on their work in a better way and will get also a solid foundation. I hope the University will continue to prosper and will be an example to other universities in the matter of developing culture."

The hon. Mr. S. MUTHIAH MUDALIYAR :—" I second it."

Mr. T. S. RAMASWAMI AYYAR :—" Before this is put to the vote, I would like the hon. the Chief Minister to indicate whether he is going to accept the kind offer of my hon. Friend Mr. Goenka."

The hon. Dr. P. SUBBARAYAN :—" That has nothing to do with this Bill."

The hon. the PRESIDENT :—" The question is that the Bill further to amend the Andhra University Act, 1925 (Bill No. 6 of 1930), be passed into law."

The motion that the Bill be passed into law was adopted.

* The hon. the PRESIDENT :—" The Council will now adjourn and reassemble at 11 a.m. on the 18th March 1930."

R. V. KRISHNA AYYAR,
Secretary to the Legislative Council.

APPENDIX I.

[Vide answer to question No. 1507 asked by Mr. A. B. Shetty at the meeting of the Legislative Council held on the 1st March 1930, page 348 supra.]

Proceedings of the Commissioner of Excise, R. No. 2380-Abk., dated the 9th October 1929.

[*Subject*.—Health Propaganda—Co-operation of the Excise Department with the Central Propaganda Board and District Committees—Instructions issued.]

The attention of all Assistant Commissioners and Inspectors is drawn to G.O. No. 1597, P.H., dated 26th June 1929, communicated with C.P. No. 1459-Abk./29, dated 3rd July 1929, sanctioning the formation of the Central Propaganda Board and District Committees with the object of creating active public opinion against the use of alcoholic liquors and intoxicating drugs. Doubts exist in some non-official quarters whether the District Committees will have the co-operation of the officers of the Excise Department in their work. The Chairman of a District Committee has expressed to the Commissioner his view that much drinking is due to breaches of rules about sale and possession and is afraid that if he brings cases to notice he may earn the dislike and distrust of departmental subordinates who are likely to get into trouble.

2. The Commissioner desires to impress on all ranks of the department that the Government are genuinely anxious to put a stop to excessive drinking and to encourage temperance and abstinence in every way—even at the expense of revenue—*provided only that illicit liquor does not take the place of licit.* All officers are therefore expected to co-operate with the Central Board and District Committees that are trying to expose and prevent illicit sales, etc. These bodies are not to be regarded as the tendency may be to regard them as the natural enemies of the department. All officers should remember that not only crimes affecting the revenue should be prevented and detected but that *all* conditions of licences many of which have been framed in the interests of public morality should be rigorously enforced.

3. The object of the department should *not* be to show an increase of revenue at all costs. It should be first and foremost to see that all the provisions of law are strictly carried out and that the consumption of liquor is confined entirely to licit liquor licitly possessed and sold. Provided these aims are achieved, the less liquor of all kinds that is consumed, the better.

APPENDIX II.

[Vide answer to question No. 1510 asked by Dr. B. S. Mallayya at the meeting of the Legislative Council held on the 1st March 1930, page 350 supra.]

Statement showing the names of the officers who held the post of Surgeon-General during the last six years and the period for which each officer held office.

Name of officer.	Period for which he held office.		
	Years.	Months.	Days.
1. Major-General T. H. Symons, O.B.E.	2	10	17
2. Lieut.-Col. M. N. Chauduri ...	...	...	27
3. Major-General F. H. G. Hutchinson, C.I.E., K.H.S. ...	2	3	11
4. Lieut.-Col. E. W. C. Bradfield, C.I.E., O.B.E.	...	1	24
5. Major-General J. W. D. Megaw, C.I.E., V.H.S.	...	10	27
6. Lieut.-Col. C. A. F. Hingston, C.I.E., O.B.E.	...	6	...

APPENDIX III.

[Vide answer to question No. 1511 asked by Mr. K. Ramachandra Padayachi at the meeting of the Legislative Council held on the 1st March 1930, page 350 supra.]

Statement showing number of whole-time and honorary pracharakas employed by the South Arcot District Propaganda Committee.

Number and name of pracharakas employed.	Caste or community.	Remarks.
I.—Whole-time pracharakas.		
1. Narayanakaliyan	Adi-Dravida.	Nos. 1, 2, 3, 4, 5 and 9 belong to classes which are addicted to drink.
2. Dharmalingam	Do.	
3. M. Deivasigamani	Padayachi.	
4. K. C. Siva Rama Kandar ...	Do.	
5. A. Varadharajalu	Do.	
6. M. N. Muthukomaraswami Pavalar.	Vellala.	
7. Nadu Balabathra Rama Pillai.	Do.	
8. V. Doraiswami Pillai ...	Do.	
9. S. Subrahmanya Chetti ...	Senakudaya Chetti.	

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Number and name of pracharakas employed.	Caste or community.	Remarks.
II.—Honorary pracharakas.		
1. G. Deivanayagam	Adi-Dravida.	Nos. 1, 2, 3 and 4 belong to classes which are addicted to drink.
2. M. Rangaswami Padayachi.	Padayachi.	
3. Ramaswami Servai	Do.	
4. P. T. Muthuram Pillai ...	Maruthuva.	
5. M. Arumugam Pillai ...	Vellala.	
6. Muhammad Hussain Sahib.	Muhammadan.	
7. Muhammad Rahamattullah Sahib.	Do.	
8. R. Srinivasa Ayyar ...	Brahman.	

Appendix IV.

[Vide answer to question No. 1514 asked by Mr. A. B. Shetty at the meeting of the Legislative Council held on the 1st March 1930, page 351 supra.]

Number of registered partition deeds executed.

Year.	South Kanara district.		Malabar district.
	Members of Aliyasanthanam families.	Members of Marumakkattayam families.	Members of Marumakkattayam families.
1924	70	8	555
1925	58	10	551
1926	83	8	515
1927	85	9	501
1928	61	9	465
1929	59	7	441

APPENDIX V.

[Vide answer to question No. 1515 asked by Diwan Bahadur P. C. Ethirajulu Nayudu at the meeting of the Legislative Council held on the 1st March 1930, page 352 supra.]

Name	Age.	Post.	Qualifications.	Teaching experience.	Colleges in which the professors were previously employed.	Salary before appointment to the present post.	Salary at present.
	YRS.					RS.	RS.
Mr. V. K. Ayyappan Pillai.	32	Additional Professor of English, Presidency College.	First class—First in the Presidency—in the Literature Honours Degree Examination of the Madras University in 1918. First-class Honours in the Oxford Honours School of English Examinations in English Language and Philology.	About 8 years.	Maharaja's College, Trivandrum.	400	480
Mr. I. Narayana Menon.	34	Professor of Philosophy, Presidency College.	First class—First in the Presidency—in the Philosophy Honours Degree Examination of the Madras University in 1919. B. Litt. (Research degree) in Moral and Political Philosophy at Oxford in 1922.	About 6 years.	Lucknow University, Madras Christian College, Government Brennen College, Tellicherry, Government College, Coimbatore.	325	350

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Appendix VI.

[Vide answer to question No. 1518 asked by Mr. A. Ranganatha Mudaliyar at the meeting of the Legislative Council held on the 1st March 1930, page 353 supra.]

(a) Kuruba Mookanna cultivated the land in faslis 1332, 1333, 1334, 1336 and 1337. His father cultivated it in faslis 1330 and 1331. The adangals of the previous faslis show that the land was waste. The extent of the land occupied in these faslis is detailed below :—

Fasli.	Survey number.	Extent of the field.	Extent occupied.
		ACS.	ACS.
1332	86-A	6·63	0·53
1333	86-A	6 63	0·53
1334	86-A	6·63	0·54
1336	86-A	6·63	0·54
1337	86-A	6·63	0·34

In fasli 1335 it was cultivated by a Madiga.

(b) According to his own statement and to the statements recorded from a few ryots, prickly-pear was removed by the sivayijamadar the total cost of which is estimated at Rs. 50.

(c) No information is available as to whether the District Labour Officer persuaded him to agree to its assignment to a member of the depressed classes, but in the statement recorded from Mookanna on 12th February 1928 he has admitted that he had agreed before the District Labour Officer to the assignment of the land to the Madigas. There is, however, nothing in the District Labour Officer's inspection notes to show that the District Labour Officer wanted to hand over the extent under occupation by Mookanna to the depressed classes. It seems, however, that Mookanna and some Madigas were fighting over the land at the time of the District Labour Officer's inspection. The District Labour Officer therefore recommended that it might be left vacant for assignment to depressed classes at some future date.

(d) The statement of Mookanna alone is available to show the voluntary nature of the consent to hand over the land to the Madigas, there being no other record to support this transaction. Evidently no consideration was agreed to on the occasion. Mookanna actually abandoned the field in fasli 1335 but taking advantage of a quarrel between two Madigas for the plot, he reoccupied it in fasli 1336.

(e) It was ordered in 1925 by the Collector on the notes of the District Labour Officer against this field that in consideration of a possible breach of the peace among the several claimants for the land, none should occupy the land and that all sivayijamadars should be evicted.

(f) Mookanna applied for the land on 11th February 1928. On a perusal of the previous records the Collector ordered that in pursuance of the previous order the land should be left vacant and that all sivayijamadars should be evicted.

(g) An extent of 14 cents not in the enjoyment of Mookanna was alone reserved for assignment to the depressed classes.

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(*h*) The lists were first prepared in November 1925 and they were published in the district gazette, dated 17th August 1926. At that time fields occupied by caste ryots for more than three years were excluded from the above lists. The Collector is examining the lists to see if any such fields have been wrongly included.

APPENDIX VII.

[Vide answer to question No. 1520 asked by Mr. A. Ranganatha Mudaliyar at the meeting of the Legislative Council held on the 1st March 1930, page 354 supra.]

Statement showing the yearwar particulars of remissions granted under Kottapalli tank, Rayadrug taluk, Bellary district.

Year and fasli.	Particulars of remission granted. Waste.	Shavi.	Tiruvakammi remission.	Remarks.
	RS. A. P.	RS. A. P.	RS. A. P.	
(Fasli 1328)—1919 ..	695 8 0	..	14 4 0	Insufficient supply.
(Fasli 1329)—1920 ..	..	..	..	Supply was adequate.
(Fasli 1330)—1921 ..	..	..	..	Do.
(Fasli 1331)—1922 .	..	..	..	Do.
(Fasli 1332)—1923 .	..	..	..	Do.
(Fasli 1333)—1924 .	666 0 0	1 10 0	59 11 0	Insufficient supply.
		89 15 0	8 14 0	
		18 6 0	..	
		109 15 0	68 9 0	
(Fasli 1334)—1925 .	528 7 0	6 3 0	74 13 0	Do.
(Fasli 1335)—1926 ..	749 7 0	8 4 0	39 10 0	Do.
(Fasli 1336)—1927 .	905 2 0	..	32 7 0	Do.
(Fasli 1337)—1928 .	905 12 0	..	8 9 0	Do.
(Fasli 1338)—1929 ..	..	..	..	No remission on account of sufficient supply.

APPENDIX VIII.

[Vide answer to question No. 1525 asked by Mr. A. Ranganatha Mudaliyar at the meeting of the Legislative Council held on the 1st March 1930, page 355 supra.]

Advances—Loans—(Bellary)—Alur taluk—Molagavalli Colony—Adi-Andhras—Arrears—Sale of lands.

1. The number of loans for the arrears of which lands have been notified for sale is 23, viz., three loans made in fasli 1329, nine in fasli 1333, seven in fasli 1334 and four in fasli 1335.

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2. The number of borrowers involved in these loans is 23 as all the loans relate to different individuals.

3. In only one case are the arrears still unpaid. They amount to Rs. 18. In all the other cases the arrears have been paid.

4. The number of these defaulters who have taken other loans is eight and the total amounts paid by them on account of these other loans in faslis 1337 and 1338 are Rs. 65-9-0 and Rs. 26-8-0 respectively.

APPENDIX IX.

[Vide answer to question No. 1526 asked by Mr. A. Ranganatha Mudaliyar at the meeting of the Legislative Council held on the 1st March 1930, page 356 supra.]

Statement referred to in the answer to clauses (a) to (d), Legislative Council question No. 1526.

Serial number and name of taluk.	Total number of minor irrigation tanks.	Number of tanks		Number repaired out of those in column (4) in 1929-30.	Number proposed for repairs during 1930-31, out of those in column (4).	Action taken as regards preparation of estimates for the tanks shown in column (6).
		In repair.	Out of repair.			
(1)	(2)	(3)	(4)	(5)	(6)	(7)
1. Bellary	..	..	..	..	..	....
2. Siruguppa ..	1	1	..	..	..	....
3. Rayadrug ..	8	7	1	1	..	....
4. Adoni	43	27	16	12	4	Three estimates sanctioned. One under scrutiny by the Executive Engineer, Bellary.
5. Alur	12	9	3	1	2	Both estimates under scrutiny of the Executive Engineer, Bellary.
6. Hospet	14	9	5	3	2	Estimates called for.
7. Kudligi	48	41	7	2	5	Estimates received and under examination.
8. Hadagalli .	19	7	12	5	7	Five estimates sanctioned and the remaining two estimates are under scrutiny by Public Works Department authorities.
9. Harpanahalli ..	32	22	10	5	5	Four estimates sanctioned and one under scrutiny by Public Works Department.
Total ..	177	123	54	29	25	

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Appendix X.

[Vide answer to question No. 1534 asked by Mr. Basheer Ahmed Sayeed at the meeting of the Legislative Council held on the 1st March 1930, page 360 supra.]

(1)

Letter from the Surgeon-General with the Government of Madras, dated 12th February 1930, R. No. 261-Establishment/30.

[Post-mortem examination of the body of a Muslim lady by the District Medical Officer, South Arcot—Legislative Council Question No. * 1534.]

I have the honour to forward herewith a copy of letter from the District Medical Officer, South Arcot, which contains the information called for by Government.

Enclosure

Copy of letter R.C. No. 2024/29, dated 6th February 1930, from the District Medical Officer, South Arcot, Cuddalore, to the Personal Assistant to the Surgeon-General with the Government of Madras.

(*a*) It is a fact that I conducted the post-mortem on the body of a Muslim lady. She was said to be *not a gosha lady*; however, the lady doctor (sub-assistant surgeon) was sent for, and as it was getting very late in the evening (5-30 p.m.) and putting off the examination for the next morning was considered not desirable in the interests of finding out the actual cause of death and hence do justice, I thought it expedient to do it myself. Before the post-mortem was commenced, however, a near relation of hers being also present, he was questioned by me and the Assistant District Superintendent of Police (who was also present) whether he had any objection for a male doctor to do it, and he replied he had none.

(*c*) I am aware of the Government Order but in the special case as detailed above, I thought I was not going much out of my province by so doing, especially when the parties of the deceased had no objection and she was said to be not a gosha lady. She was said to be freely moving about in the streets and selling hoppers, etc., by the roadside; she was aged about 55 years.

(2)

G.O. No. 1309, Judicial, dated 12th June 1915.

Read—

Extract from the Proceedings of a meeting of the Council of the Governor of Fort St. George assembled for the purpose of making Laws and Regulations under the provisions of the Acts of Parliament, 24 & 25 Vict., C. 67, 55 & 56 Vict., C. 14, and 9 Edw. 7, C. 4.

Order—No. 1309, *Judicial, dated* 12*th June*, 1915.

The attention of all magistrates is invited to the proceedings of the Legislative Council held on the 29th March 1915 relating to the resolution moved by the hon. Ahmad Tambi Marakkayar Sahib Bahadur regarding the exhumation of the bodies of Muhammadans and the post-mortem examination of Muhammadan women. The Governor in Council desires that the

exhumation of the bodies of Muhammadans should, if possible, be carried out by Muhammadans themselves and preferably by relatives. The Governor in Council would also suggest that the post-mortem examination of the body of a Muhammadan woman be held by a lady doctor where the latter is available for the purpose.

(True extract)

P. RAJAGOPALA ACHARIYAR,
Secretary to Government.

To all District Magistrates.
,, the Chief Presidency Magistrate.
,, the Inspector-General of Police.
,, the Commissioner of Police.
,, the Surgeon-General

Copy to the Public Department.

APPENDIX XI.

[Vide answer to question No. 1535 asked by Mr. A Ranganatha Mudaliyar at the meeting of the Legislative Council held on the 1st March 1930, page 360 supra.]

Clauses (a), (b) and (c) of Question No. 1347 asked by Mr. A. Ranganatha Mudaliyar and answered at the meeting of the Legislative Council, dated 28th January 1930.

(a), (b) & (c) The Government are informed that there is no person of the name of H. M. D. Khan Sahib Ismail Siddick living in the Coonoor Municipality.

If, however, Khan Sahib Siddick Ismail Sait is intended and the building referred to is that under construction by Messrs. Siddick Meanjee Sait and Sons, the answer is as follows :—

(a) Yes, in July 1928.

(b) The Chairman reported in December 1928 that the portion objected to, viz., some projecting rolled steel joists, would be removed when the building was completed.

(c) It has not yet been removed. Notices have been served on the parties oo remove the joists and they have asked for time till the whole building is tompleted. The Chairman has granted the request.

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Appendix XII.

[Vide answer to question No. 1538 asked by Mr. Basheer Ahmed Sayeed at the meeting of the Legislative Council held on the 1st March 1930, page 362 supra.]

Year.	Brahman.	Non-Brahman.	Christian.	Muhammadan.	European or Anglo-Indian.	Total.	Remarks.
1928–29.							
Promoted from Inspectors' grade.	4	..	1	..	..	5 (officiating).	
Directly recruited ..	..	..	..	..	..	Nil.	
1929–30.							
Promoted from Inspectors' grade.	..	4	..	..	..	4 (officiating).	Two Brahman Inspectors who were previously acting were confirmed as Deputy Superintendents of Police.
Directly recruited ..	..	1	..	1	..	2	On probation.

Appendix XIII.

[Vide item IV (2) of proceedings at page 382 supra.]

BILL No. 6 OF 1930.

A Bill further to amend the Andhra University Act, 1925.

Madras Act II of 1926. WHEREAS it is expedient further to amend the Andhra University Act, 1925, for the purposes hereinafter appearing; It is hereby enacted as follows :— Preamble.

1. This Act may be called the Andhra University (Amendment) Act, 1930. Short title.

2. In section 15 of the Andhra University Act, 1925 (hereinafter referred to as the said Act), under the head "Class III—Other Members"— Amendment of section 15, Madras Act II of 1926.

(i) in clause (3), for the words "of the University area" the words "of any of the districts of Ganjam, Vizagapatam, West Godavari, East Godavari, Kistna, Guntur, Nellore, Bellary, Anantapur, Cuddapah, Kurnool and Chittoor" shall be substituted;

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(ii) in clause (4), for the words "in the University area" the words "in the districts of Ganjam, Vizagapatam, West Godavari, East Godavari, Kistna, Guntur, Nellore, Bellary, Anantapur, Cuddapah, Kurnool and Chittoor" shall be substituted;

(iii) in sub-clause (*a*) of clause (5), the words "other than the districts of Bellary, Anantapur, Cuddapah, Kurnool and Chittoor," shall be omitted; and

(iv) in clause (6), for the words "of the University area" the words "of any of the districts of Ganjam, Vizagapatam, West Godavari, East Godavari, Kistna, Guntur, Nellore, Bellary, Anantapur, Cuddapah, Kurnool and Chittoor" shall be substituted.

Amendment of section 18, Madras Act II of 1926.

3. In section 18 of the said Act—

(1) for the head "Class I—Ex-officio Member—The Director of Public Instruction" the head "Class I—Ex-officio Members—

(1) The Director of Public Instruction

(2) The Secretary to the Government of Madras in charge of Finance"; and

(2) in clause (3) of "Class II—Other Members" for the words "two persons" the words "three persons" shall be substituted.

Insertion of new sections 19-A and 19-B in Madras Act II of 1926.

4. After section 19 of the said Act, the following sections shall be inserted namely:—

Constitution of the Finance Committee.

"19-A. There shall be constituted a Finance Committee which shall consist of the following persons, namely:—

(1) the Vice-Chancellor;

(2) the Secretary to the Government of Madras in charge of Finance;

(3) one member appointed by the Syndicate from among its members, provided that no one who is nominated to the Syndicate by the Chancellor shall be eligible for appointment under this clause: and

(4) one member nominated by the Chancellor from among three persons nominated by him to the Syndicate.

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19-B. The financial estimates of the University, its accounts and all proposals involving expenditure for which no provision has been made in the budget or involving expenditure in excess of the amount provided in the budget of the year shall be referred to the Finance Committee for scrutiny and opinion before they are taken up for final consideration by the Syndicate :

Financial estimates, etc., of the University to be referred to the Finance Committee for scrutiny and opinion.

Provided that the Vice-Chancellor may, in cases of emergency, for reasons to be recorded in writing, incur any expenditure for which no provision has been made in the budget or which is in excess of the amount provided in the budget without such previous reference to the Finance Committee."

5. In section 37 of the said Act

Amendment of section 37, Madras Act II of 1926.

(i) the word "and" occurring at the end of clause (1) shall be omitted ; and

(ii) at the end of clause (2) the following shall be inserted, namely :—

"and

(3) an annual block grant of not less than one and a half lakhs of rupees made by the Local Government for the general expenditure of the University each year."

6. After section 37 of the said Act the following sections shall be inserted, namely :—

Insertion of new sections 37-A, 37-B and 37-C in Madras Act II of 1926.

"37-A. (1) The University shall have a fund called the Permanent General Capital Fund or Foundation Fund which it shall invest and keep invested in securities issued or guaranteed by the Government of India or by Local Governments in British India, provided that the securities, in which the sum of twenty-seven lakhs of rupees mentioned in clause (*a*) of sub-section (2) are invested or kept invested by the University, shall not be varied without the previous sanction of the Chancellor.

Permanent General Capital Fund or Foundation Fund.

(2) The said Permanent General Capital Fund or Foundation Fund shall consist of—

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(*a*) the sum of twenty-seven lakhs of rupees which shall be given to it by the Local Government subject to the condition that the said sum shall not be diverted from the Fund;

(*b*) any contributions to this fund which may be made by the Local Government, the Government of India, any local or other public body, or others;

(*c*) any contributions to this fund which may be made by the University; and

(*d*) the sum of three lakhs and eighty-five thousand rupees in securities and cash which stands to the credit of the Foundation Fund of the University.

Constitution of other funds, etc.

37-B. The University shall have such other funds and maintain such accounts as may be prescribed.

Contribution by Government to the University for buildings and equipment.

37-C. The Local Government shall, subject to such conditions as may be agreed upon between them and the University, give for the buildings and equipment of the University a sum of seven and a half lakhs of rupees to which they may add such further sums as they may deem fit from time to time."

STATEMENT OF OBJECTS AND REASONS.

It is considered necessary to strengthen the financial administration of the Andhra University by the constitution of a Statutory Finance Committee consisting of the Vice-Chancellor, Secretary to the Government of Madras in charge of Finance, one member appointed by the Syndicate and one member nominated by the Chancellor from among his nominees to the Syndicate. Power is reserved to the Finance Committee to scrutinize the financial estimates, accounts and items of expenditure of the University. The views of the Finance Committee will be taken into consideration before final decisions are taken by the authorities concerned. The Syndicate is also enlarged by the inclusion of the Secretary to the Government in charge of Finance as an ex-officio member and by the increase in the number of members to be nominated by the Chancellor from two to three.

It is also proposed to amend the Andhra University Act, 1925, so as to provide for payment to the University from provincial funds of (1) a non-recurring grant of twenty-seven lakhs to be credited to the Permanent General Capital Fund or the Foundation Fund of the University, (2) an annual block grant of not less than one and a half lakhs of rupees for the general expenditure of the University, and (3) a non-recurring

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grant of not less than seven and a half lakhs of rupees for buildings and equipment of the University payable on such conditions as may be agreed upon between them and the University.

As a result of the passing of the Andhra University (Amendment) Act, 1929 (Madras Act VI of 1929), the Ceded districts and Chittoor have ceased to form part of the University area but the members of municipal councils, taluk boards and district boards of these districts continue to have the right to send in their representatives on the Senate. It is considered desirable that (*a*) the non-official members of the Legislative Council who are residents of these districts, (*b*) headmasters of the secondary schools in these districts, and (*c*) landholders of these districts should be allowed to have representation on the Senate by enlarging the scope of the respective electorates under clauses (3) (4) and (6) of class III of section 15 of the Act.

The Bill gives effect to the proposals referred to above.

P. SUBBARAYAN.

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